THE PRACTICE OF THE EXCHEQUER COURT,

With its ſeverall

OFFICES and OFFICERS.

Being a ſhort Narration of the Power and Duty of each ſingle Perſon in his ſeverall Place.

Written at the requeſt of the Lord *Buckhurſt*, ſometime Lord Treaſurer of *England*.

By Sr. *T. F.*

Whereunto are added the Rules and Orders of Proceedings by Engliſh Bill.

LONDON,

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Nec

To the Reader,

I Have neglected ordinary flatteries, leaſt I might ſeem to beg an applauſe, not merit it. Let it not ſeem a work of ſupererrogation to publiſh this Tract, ſince tis hoped the Work it ſelf is *bonum & utile*, elſe had not that great and wiſe Lord *Buckhurſt* taken ſuch care to command it to writing, had he not known that *bonum quo communius eo melius*; And therefore I hope my ſelf very worthy of excuſe from blame by any, inaſmuch as hereby preſent generations may learn paſt Polity, and by the Rule thereof ſquare their actions. And

if

if any thing herein fall ſhort of expectation, tis my requeſt, That you will rather look at it as an eſcape then a crime; ſince the whole ayme is both thy pleaſure and profit, which if you attaine, I have the accompliſhment of my hope; otherwiſe,

——— *Si quid noviſti rectius iſtis, Candidus imperti, ſi non his utere mecum.*

Farewell.

What every of the Officers of the EXCHEQUER usually do by virtue of his Office in *England*.

The Lord Treasurer.

Questions concerning the Lord Treasurers Office, with severall Answers to every Question, made by Mr. F. *Or rather a Declaration of his Opinion touching the same; written at the Request of the Lord* Buckhurst.

I. Question.

THE Lord Treasurer is sworne and admitted in open Court by the Lord Chancellor or Lord Keeper for the time being.

Answer.

Sir, I have seen the Records of the like Admittance, and yet the Lord Treasurer that was last, was sworne in the Chancery.

II. Question.

Hee is appointed by Statute co be at the election of the Sheriff yearly, In Cr. Animarum.

Answer.

By the Statute of *Anno* 14 *Ed.*3. *cap.* 6. The Chancellor, Treasurer, and cheife Baron, calling others to them, are to name Sheriffs in *Cr. Animarum* yearly, and by the Act 12 *R.*2. *cap.* 2. they must be sworne to do as is there limited.

III. Question.

Hee nominateth after the Sheriffs be chosen, all the Escheators in England.

Answer.

Escheators ought to be nominated by virtue of the sayd Statute of *Anno* 14 *E.* 3. *cap.*8. but by what reason he doth it alone, I know not.

IV. Question.

He giveth by Statute all the Offices of the Customers, Comptrollers, and Searchers through

through England *during pleasure, by his Warrant under his hand, directed to the Lord Chancelor or Lord Keeper for the time being.*

Answer.

This he doth by virtue of a Statute made 31 *H.6.cap.5.*

V. Question.

Hee granteth by Statute and Custome, for the accustomed Rent, Custodiam *of the ancient Crown Lands, and Escheated Lands, and* Firmam ulnagij, *in all the shires in* England, *&c.*

Answer.

I cannot speake certainly of this, I know not how to informe my self so as I would, saving that I thinke the Alnage is let to Farme by the Statute of *Anno* 4 *H.4. cap.* 13. and 4.*E.4.cap.5.*

VI. Question.

He granteth, Firmam terrarum seis. pro Domino Rege quamdiu in manu dicti Domini Regis fore contigerint, *to any that sue for it, by his Warrant made of late to the Clarke of the Pipe, and in old time directed to the Lord Chancellor or Lord Keeper for the time being.*

Answer.

Neither do I know this certainly, but I have beene told, that the Leases made under the Exchequer seale be not good.

VII. Question.

He sitteth in Court or in the Exchequer Chamber, and ordereth with the Chancellor, under Treasurer, and the Barons of the Court, the matters offered before them, to the Princes most benefit as they can by the law course, or equity, but the Judgement is only, Per considerationem Baronum.

Answer.

Hee sitteth in the Court, and ordereth with others, as is declared in this Article, when it pleaseth him, and the oftner the better, for the profit and service of the King, and the dispatching of suits and suitors.

VIII. Question.

Hee may call upon the Kings learned Councell and the Officers of the Court, to consider by the law and Presidents any matter sore pressed against his Majesty at the Barre, and desire the Court to stay proceedings in it while they may be better informed.

Answer

Answer.

There is no doubt but hee may and will do all this, when hee shall see others negligent or any other good causes so to do.

XI Question.

Hee and the Barons may by Statute stall debts of three hundred pound and under to be payd at dayes.

Answer.

This they may do by the Statute of 1 *vel* 2 *E.3.cap.4.*

X Question.

The Treasurer, the Chancellor, the Vice-Treasurer, and Barons of the Court, may and do use to make Orders and Decrees, of Allowances of Pensions, Portions, Rents, Payments, Fees, and Considerations thought good by the Court, and upon intricate matters, and matters of equity in the Court betweene the King and the party to bring them to a finall end, as best for all parts and not well able to be determined by the ordinary pleading, or otherwise of the Court.

Answer.

They may and do use to make Orders and Decrees as is there declared, and for that purpose do sit both in the Court, and

often in the Exchequer Chamber, to heare Englifh fuits, which they do by virtue of the Statute, 33 *H.* 8. *cap.* 39. See the Statute booke at large. *fol.* 92. *H.* 4.

XI Queftion

Hee in giving judgement with the aſſiſtance of the Court, doth order, ſtay, examine, heare, debate, prolong, and end, all cauſes of the Exchequer, either by Judgement, order, or decree, by privy ſeale from his Majeſty, when otherwiſe it will not be done.

Anſwer.

It is certaine that hee and the Court, or to ſay more plainly the Court (whereof he is cheife) may do all lawfull things that are there to be done, either by virtue of Law, or of the Kings Warrant, which I take to be the meaning of this Article.

XII Queſtion.

He alone puniſheth, reformeth, directeth, and ordereth all the Officers of the ſame, that by Law are not to be brought into the Court of Exchequer.

Anſwer.

All the puniſhments which I have found in any Record, have beene done as by the Court

Court, and all their Accounts and Concealments, Informations, and ſundry other things, have been taken, examined, and ordered, as by the Court: And yet his Lordſhip hath great Authority over them by the Statute of 17 R. 2. *cap.* 5. where it is enacted, that thoſe Offices ſhould remaine in the Kings hands under the governance of the Lord Treaſurer for the time being, with the aſſent of the Counſell where need ſhall be.

XIII Queſtion.

Hee directeth his Warrants to all the remembrancers (as the caſe lyeth on any of all their ſides) for all manner of Commiſſions, Proceſſes, and Injunctions: needfull in the matters of the Court, and when the caſe requireth ſpeed, hee writeth firſt his Letters therein, and if hee thinke it good, hee ſendeth Commiſſions, Proceſſes, and Injunctions after them, and ſometimes by the ſame, doth undoe and ſtay that the Barons have commanded, Judgement being not given.

Anſwer.

He directeth Warrants for Commiſſions and proceſſe, and ſo do others, but they be taken and uſed as Acts of the Court and

allowed and disallowed, as they stand with Justice. Hee sometimes maketh Warrants for injunctions to stay spoiles of houses, woods, and such like, &c. But for alterations of possessions from one to another, *Non auditis partibus*, or out of Court very seldome or never. As for writing of Letters and after processe, I thinke they have been few of late yeares, and found almost fruitlesse. For, *Super debile fundamentum cadit opus*. And of the undoing and staying of the Barons Commandements, hee hath given sometimes stay for a time upon better information then they had, but undone nothing but upon conference with them, and with their Consents to my remembrance, I have only seene these things done, but not found them in any Record that I rember.

XIV. Question.

Hee sendeth his Serjeant at Armes for all such as do disobediently set, neglect, or devise to disappoint the Kings Processe, and sometimes hee sendeth him otherwise after his discretion for persons that are skipping aside, or need so to be stayed, or so to be sent for.

Answer.

Anſwer.

I have not ſeen any Record that he hath ſent a Serjeant at Armes for any man before the Lord Marqueſſe his time, and that was done when ordinary proceſſe would not be obeyed, and that alſo very ſeldome. But in the Lord *Burleighs* time, the ſending grew common againſt Sheriffs and Collectors, *&c.* as I remember I have ſeene in ancient Records, that Serjeants at Armes have been ſometimes, and yet ſeldome authoriſed by commiſſion to doe ſundry ſervices.

XV Queſtion.

Hee alone giveth the Warrant to all men to have their Wine free of Impoſt.

Anſwer

Hee alone (for any thing I know) hath given all the Warrants for freeing the impoſt of French Wines, yet I finde in *Anno* 1571. the impoſt was rated by writing under her Majeſties hand, wherein it was ordered, that if any of reputation (being good houſe-keepers) were left out of the rates, then it ſhould be lawfull for the Treaſurer and Chancellor to give allowance, but how this authority hath beene put in ure I know not.

Queſtion

XVI Queſtion.

He, the Chancellor, and Vice-Treaſurer, make all Warrants for wood ſales.

Anſwer.

I have not ſeene or found any Record, or otherwiſe, that hee or any other of the Exchequer, hath had any authority to make ſale of the Kings Woods, but by Writ or Commiſſion under the great Seale, and that alſo very rarely, but by Article, amongſt the Articles for annexing of the Court of augmentations to the Exchequer *viz. Article* 27. there is a prohibition concerning the Woods of the Lands in the ſurvey of the augmentation Court of this Tenor, *viz.* No Wood ſales to be made without a Commiſſion from the Lord Treaſurer, and to ſuch other of the Court as hee ſhall call unto him, and in his abſence, the under Treaſurer calling unto him two of the ſame Court, and other Authority then this I have not ſeen, but to the Court of generall ſurveyors, which (as I take it) is ſince diſſolved by the ſtatute, 7 *E. 6 cap.* 2.

XVII. Queſtion.

Hee, the Chancellor and Vice-Treaſurer make

make all Warrants for mony to the Receivor, of the ſhire, for reparations of houſes, Sea-Bancks, and water-works, where the ſame be. And commonly he directeth his Warrant for a Commiſſion to go out to enquire of the ſayd needfull reparations, and the charges of the ſame.

Anſwer.

All the generall Authority that I have ſeen to give warrant for reparations, is by the Articles of annexing the ſayd courts before mentioned, *Article*, 20.

XVIII Queſtion.

He directeth Warrants ſometimes to make Commiſſions to ſome to be Receivors, Surveyors and ſuch Officers of the Revennues, during pleaſure under the Exchequer ſeale, after any be dead, or put out for any miſdemeanors whilſt the Kings Majeſty be moved for the Bill aſſigned, and to ſtay others from ſuing.

Anſwer.

He ſometimes alone, and ſometimes with others, hath made ſuch warrants as is alleged, and not without good cauſe as is there mentioned.

XIX Queſt.

XIX. Question.

He cheifly protecteth the Iurisdiction of the Court, the Officers, and all the matters of the same.

Answer.

The Jurisdiction, Officers, and matters of the Court be protected by the law, and by the Authority of the Court, and this Lord being the cheif, doth cheifly worke in that matter, like as in all other wherein he dealeth.

XX. Question.

He Commandeth and restraineth all the Officers and Ministers of the Courts, and all others in the Kings Majegisty Causes, and matters, belonging to the same.

Answer.

He commandeth all to do their duties diligently, justly, and truly, and restraineth all to do the contrary.

XXI Question.

He alone and the Chancellor Vicetreasuror and Barrons of the Court, after his and their discretions, do punish all the misdemeanors of the other Officers, and Ministers, of the Court, and of all others that abuse the Courts, the

the Cauſes, the proceſſe, and appendance of the ſame.

Anſwer.

I have ſeene by Records that the Court hath done puniſhments after divers manners upon the Officers and divers others, but I remember none on Record to be done by him alone.

XXII. Queſtion.

He untill the late vniting of the Court of Augmentations, and the firſt fruits and Tenths, did vſe to ſit, and deale very little in the Court of Exchecquer, but left all there belonging to him, to be ordered by the Chancellor, Vice-treaſuror, and Barons.

Anſwer.

I thinke this to be true, but I have not ſeen any Record of it.

XXIII Queſtion.

He alone, or he, the Chancellor and Vice-Treaſurer, do allow at the Liberate *every* Hillary *and* Trinity *Terme, ſuch ſummes of mony out of the Exchequer, as to them ſeems good for any bodies conſiderations, about the ſervice and charges of the court or Revenue of the ſame, as by the leiger privy*

Seale

Seale in the receipt he and they are authorized so to do.

Answer.

He and the under-treasuror, or one of them alone without the Chancellor, do give these allowances in such terme or time as they see cause, by vertue of the privie Seale in the Article mentioned and for this purpose, the Articles of the annexing of the Augmentation Court, Article, 20 may be considered.

XXII. Question.

He alone by the Articles of the late court of Augmentation, and the first fruite and Tenths annexed to the Exchequer may do something alone, and something he with the Chancellor, and vnder-treasuror, the Chamberlaines and Barrons of the Exchequer or three of them and some things he with the Court, and some things he with such persons as he shall call to him, which are here too long to set downe particularly, and therefore are referred to the said Articles.

Answer.

The certainty whereof may be knowne by the Articles themselves.

XXV. Question

XXV. Queſtion.

Hee hath uſed before the uniting of the ſayd Court of augmentation:, and the firſt fruits and tenths in all great matters of the Courts, ſometimes to confer with the Chancellor and under Treaſurer alone, and ſome times with them and the Barons, and ſometimes with them and the Kings learned Councill, and ſome times with them all, and the two Remembrancers and Clerke of the Pipe about the ſame, what were beſt to be done. But ſince the uniting of the ſayd Court, according to the Articles of uniting the ſame, he hath uſed much to conferre and joyne with the Chancellor and Vice-Treaſurer, upon all forraine matters, Cauſes and Actions of the Court, that ſtand not in plea, Suits or Judgement before the Court, but come in queſtion, order, and determination by the ſayd union, and ſhall call ſuch Officers as ſhall pleaſe them to conſider and determine upon the ſame.

Anſwer.

I have ſeen no written direction for this courſe, but undoubtedly he may and will call any Officer unto him to conferr with for his Majeſties ſervice, and determine of matters

matters according to Justice.

XXVI Question.

Hee alone, and he, and the under Treasurer by his discretion (as I take it) do survey and order all the Receits, and all the Officers and matters thereof, and of the Treasury; and do direct payments, and stayes of payments by their discretion, and do examine all receits coming in, and going out of the receit, but can suffer no penny to go out but by privy Seal or great Seale from the Prince, or by decree, or Writ from the Court, that sometime cometh so about by the Judgement of the same. He hath divers other authorities by old and new Statutes both alone and with others, which are referred to be found out by learned Counsell that have abridged the same.

Answer:

I have not much experience in the Receipt, but I do hold it for certainty, that none of the Treasure may be payed out, without good warrant from the King. And I have seen by record, and otherwise, that some misdemeanors there committed, have examined and ordered in *Superiori S.*

Here I was required (as I under-

stood

ſtood by the Meſſenger, to ſet downe by what Warrant and authority, the things before ſpecified were done. I have endeavoured to performe that according to my beſt underſtanding, as before appeareth. And where I was required alſo to ſet down, what other authorityes be in this Lord; ſo it is, that I have obſerved by reading of the Records of all Kings times, that he hath been taken for a very great Officer, and cheif of the Exchequer, amongſt which concerning his ancient generall Authority and Duty, I finde theſe words written of him, *Ad quem ſpectat de commodis domini Regis curare, & ut ejus diſdendia viteut prospicere*, By which, and by his oath, his generall duty and authority, may be conveniently and reaſonably conceived and gathered. And touching his other authories that be not before mentioned, I thinke there be ſome by Statutes, and ſome by Commiſſions or privy ſeales, concerning his Office in the Exchequer, which I do not take upon me to ſet downe leaſt I by forgetfullneſſe, ſhould omit ſome of theſe I know, and might omit diverſe

Authorities in the Lord Treaſurer.

others, having not beene made acquainted with them, and to my beſt remembrance, they be moſt of them joynt with others, and am of opinion, that if (when any thing ſhal be offered unto him, or required of him to be done) it will pleaſe him firſt to require the ſight and underſtanding of his Warrant, in that behalfe his Lordſhip ſhall in ſhort time finde and know his authorityes that hee will require in ſuch caſes, whether it be by Act of Parliament, or any other way; and I for my part will be ready to declare my ſimple knowledge and experience in every caſe.

And what hath beene done by the two laſt Lord Treaſurers, I ſuppoſe that the next hath ſeene either already, or heard himſelfe, or ſhall by ſome other hear of it. And if his Lordſhip ſhall finde juſt cauſe to underſtand by what Warrants and Authority they did ſo, he may eaſily underſtand of it by ſome of his Majeſties Officers.

The

The Chancellor.

HE is an Officer thought by many to have beene placed in the Exchequer, to have qualified all matters of extremity and rigour between the Prince, the Subject, and the party, with Conſcience and equitie, But yet I never ſaw nor have heard of any Record ever made in the Exchequer in that caſe, by order, direction, or qualiffication.

He hath in Court the proper place of the Bench above the Lord Treaſurer. He (in the Lord Treaſurers abſence) doth in Court in the Exchecquer Chamber all things to the Kings moſt benefit and furtherance.

He in the Lord Treaſurers abſence, if the Barrons and learned Counſell of the ſuitor doe much preſſe any matter againſt the King, or that he findeth there is ſome learning in the caſe, doth pray that it may ſtay untill the Lord Treaſurer be made privie, and the Kings learned Councell may be conferred with, and the preſidents of the Court may be ſhewed upon the ſame.

He maketh warrants to any of the remembrancers to make all manner of commissions processe, and iniunctions, as the case requireth, aswell as the Lord Treasuror doth.

He by the late Lord Treasuror, and *Sir Richard Sackvills* order and agreement, had referred unto him the oversight and rule of the Court of first fruits and Tenth of all compositions, bonds, matte s and causes of the same.

He in the Lord Treasurors absence for orders and Commandements in Court for the benefit of the Prince, and ease of the Subject and suitors, hath ever done commonly that the Lord Treasuror useth to do.

He hath ever used in great causes of the Court, to make the Lord Treasuror privie, and to confer with his Lordship about the same.

He being Vice-treasuror also, after the death of the Lord Treasuror, and while a new Lord Treasuror be made, doth all things which the Lord Treasuror both in the Exchequer and Receipt doth use to do.

Under

Under-Treaſurer.

IS an Office erected of late in the time of King H. 7. And whether it was of the Kings nomination firſt, or of any Lord Treaſuror, it is not known. But it is ſaid that Sir. Robert Mitton Knight, that was then the Lord Treaſurers Remembrancer, was the firſt Vice-treaſuror that was ever made, and had no patent thereof; but Sir. Iohn Baker when Thomas Duke of Norfolke was made Lord Treaſuror in H. 8. time, being nominated Vice-treaſuror after Sir. Robert Mitton did procure a Patent thereof under the great Seale of England and was the firſt that had a Patent of the ſame office.

He in King H. 7. time (as I have heard ſay, the report of the remaine of the Treaſure in the receipt being brought then to the King at the end of every Terme) did cheſt the ſame up, and did Content every Cheſt what ſumme and ſorts of mony was in it, intitleing it B. or C. as in courſe it fell out, and carried it to the Kings Treaſuror in the Tower, and entred the ſame in

the Kings Book which he kept in his deske, leaving ever in that receipt ſufficient mony to pay ordinary Fees, and ſums of money it was charged with betweene that and the next Terme. And hereupon I thinke the Vice-treaſurer was made to ſee this done, both of truſt and eaſe of the Lord Treaſurer, as being too mean a thing for his Lordſhip to be troubled with, and yet fit to be done by ſome meaner perſon of truſt, and great ſecrecie.

He being Chancellor of the Court in the late Lord Treaſurers time and abſence, and before the uniting of the ſaid Courts of Augmentation, and the firſt fruits and Tenths, did order and command all things as the Lord Treaſuror in the Court of the Exchequer, and in the receipt, ſaving that which was done *Per Conſiderationem Baronum*, upon Pleas, Informations, Iudgments &c.

He before the uniting of the ſaid Courts, and ſince the Lord Treaſurors death, did make the two Praiſors of all wares, and Marchandizes ſeized by any Informer, as taken up uncuſtomed, and informed againſt in the Court of Exchecquer, whereof they make

make him a Bill of Praiſement, and he giveth order whether the owners ſhall have the goods againe as they are prayſed; or whether part or all ſhall be otherwiſe ſold, wherein the late Lord Treaſurer would ſometimes deale and intermeddle with his privity.

The Lord Chiefe Baron.

HEE is ſworne by the Lord Chancellor or Lord Keeper for the time being, or the Lord Treaſurer, and the other Barons, and is the cheife Judge of the Court, and in matters of Law. Information and plea, he anſwereth the Barr and all ſuitors.

He giveth all days for bringing of Pleas, Informations, Anſwers, Replications, Rejoynders, and amending of the ſame, as occaſion is offered at the Bar.

Hee maketh all the Orders of the Court that touch or concerne the matters at the Bar, or the Suite depending in Court, or is moved by learned Counſell, and yet with great orderly conſent of the Lord Treaſurer, the Chancellor, the Vice Chancellor,

Vice-Treasurer, the other Barons, and the Kings learned Councill, or such as are present of them, as the case shall reqnire.

Hee in the absence of the Kings learned Councill, answereth the Bar most diligently in the Kings Majesties behalfe, and when the Kings learned Councell be there, hee suffereth them to speake and answer to the Bar for his Majesty all that come, and joyneth with them in speech and conference, to satisfie the Bar, to alter or mend the matter or words of the plea, for the furtherance of his Majesties side, in all causes the Law will bear him.

He, before hee proceed to Judgement in Causes against the King, either hee asketh or willeth the Officer on whose side the matter is, to aske the Kings Attorney what he can or wil say more for the King in such a matter, that the Court may be informed of it. And even so doth he for the party, if the Kings Majesty be to have Judgement for him.

He and his fellowes conferre together in all difficult matters and judgements of the Court, and when they have resolved the Law therein, they use to impart the same

to

to the Lord Treaſurer, Mr. Chancellor, Mr, Vice-Treaſurer, and to the Kings learned Counſell, and if they cannot ſatisfie the Barons, the Law to be otherwiſe, they proceed to Judgement. The Court being called upon therefore at the Barr, although the Lord Treaſurer, Chancellor, Vice-Treaſurer, and the Kings learned Councill, would faine have it goe otherwiſe, which they do with great circumſpection, and feeling ſometimes the opinion of the Judges therein, and ever after long and often deliberation had firſt thereupon.

Hee ever giveth Judgement in the Term time only, and ſpeaketh in this wiſe to the Remembrancer, on whoſe ſide the matter is. If the Kings Attorney ſay nothing for the King between this and ſuch a day, for ſuch a matter, enter Judgement for *I. S.* or if the party ſay nothing for ſuch a matter, enter Judgement for the King.

He in open Court awardeth Commiſſions Proceſſes, Injunctions, and all manner of Writs, and commandeth ſtay and *Superſedeas* of the ſame, and ſuch his Award is ſet down in the booke of orders on the Remembrancers ſide where they iſſue out.

He

and ſuch his Award is ſet down in the book of Orders, on the Remembrancers ſide where they iſſue out.

He out of Court maketh Warrants and Fines, as the Lord Treaſurer, Chancellor, and Vice-Treaſurer doth to any the Remembrancers whom it concerns to make out any manner of Commiſſion, Proceſſe, Injunctions, *Superſedeas*, Writs of priviledge, and ſuch like.

Hee in open Court doth ſet Amerciaments and Fines upon all Sheriffs, Coroners, Eſcheators, Commiſſioners, purſivants, makers and ayders of Reſcues, that do not execute, ſerve, return, deliver, or obey the Kings Commiſſions, Proceſſes, Injunctions and Writs, as to every of them appertaineth.

He committeth to ward in open Court, and in the Exchequer Chamber, all that be indebted to the King, that misbehave themſelves in the Court, that diſobey the Kings Proceſſe, that keep not their dayes or the order of the Court, or otherwiſe, be worthy to be committed as the caſe ſhall require.

He alone in the afternoones in the Term time, doth ſit upon all *Niſi prius* in *London*

don in the *Guildhall*, that came out of the Remembrancers Office, or the Clarke of the Pleas Office, concerning any matter or tryall there by the Jury of *London*, which cannot be dispatched at *Westminster* for lack of time and leisure.

Hee appointeth the dayes and Termes when all Demurrers in Law shall be argued at the Bar, and likewise in the Court to shew their opinions upon the same.

Hee commandeth all the Officers under the Bench to make searches for the King, and the Court to give their attendance on the Barons in the afternoones at *Westminster*, to set Fines and Amerciaments on the Sheriffs, and to informe the Court of that is meet, or otherwise to confer with them. And sometimes hee commandeth the sayd Officers to attend at his Chamber upon him and his fellowes, for conference or information about some speciall matters appointed there to be heard or considered upon.

He and his fellowes take without Fee in open Court, all manner of Recognizances for the Kings debt, for appearances, for observing orders, for keeping the decrees of

of the Court, and ſuch like and for every Recognizance taken out of the Court, he hath ſix ſhillings eight pence.

He taketh the preſentation of all Officers in the Court, that are under himſelfe and of the Mayors and Sheriffs of *London*, and giveth ſuch exhortation and oration as to himſelf ſhall ſeeme meete, and Commandeth their Oathes to be read unto them by the Kings Remembrancer, and ſeeth them take the ſame.

He taketh the Declarations of the ingroſſed Accounts of the late Augmentation Revenue in the Counties of *Northumberland*, *Richmond*, *Durham*, Receivers of *Nottingham* and *Derby*, *Lincolne*. *&c.* Receivors of *Cheſter*, *Lancaſter*, *Weſtmerland* and *Cumberland*.

Receivers of *Northton* and *Rutland*.

Receivers of *Leiceſter* and *Warwick*.

Receivers of *Salop*, *Wigor*, *Stafford*, and *Hereford*.

And made before him by the Auditors of the ſame Shires,

He with the Kings Attorney *Pro miſſis Parcandis*, doth ſet all the Fines of Compoſition upon any that is informed againſt in that

that Court by any popular Action, or penall Statute, which Fyne doth bring the defendant to an end thereof, and is set downe from the Roll of the Kings Remembrancers side, and charged in the Pipe, where he hath his *Quietus est*, upon his Fine payed by tallie and allowed there.

The second Baron

IS he that is next in place, and Ancientie to the Lord Cheife Baron, and in his absence doth Answer the Barr in matters of orders, and course, as the case offereth, and in matters of law, difficultie, or importance, He referreth all suitors untill the Lord Cheife Barons comeing, and that the Court be fuller. He, and his fellowes in the Lord Cheife Barons absence, in meane Causes and matters of Course, doe take order with all suitors, and matters offered at the Barr, as in dayes of Apparances, Recognizances, Receiving and mending of Pleas, informations, lycense to depart, and some Iudgments the Causes being not

not great, and the Lord cheife Barons mind being somewhat fore-known therein, And in every thing he useth more Authoritie in the dispatch of matters in the Court, which are called on at the barr when the Chancellour, the Vice-treasurer, the Kings Attorney, or Sollicitor, or some or most of them are present in Court, wherein he and his fellowes have the more consent and agreement of the cheife Officers of the Court.

He and his fellowes in my Lord cheife Barons absence, may doe all in Court that my Lord cheife Baron may doe, and is good in law *Per Considerationem Baronum*, though there be but two of them, yet in most matters, and especially of any weight, they take a respit, and put over the same, and wil be advised thereof until such a day.

He giveth yearely the morrow after *Simon* and *Judes* day, the Oath to the Lord Mayor and Escheatour of *London*, that he shall make a true Account of the Escheatorship, and aske no petition or Allowance, but that which is good and true.

He in the Lord cheife barons absence doth take all manner of Recognizance in Court

Court, and out of Court, as the Lord cheif Baron doth, and hath for his Fee of every one taken out of Court six shillings eight pence as aforesaid.

He taketh the Declaration of ingrossed Accounts of the Receivors of the late Augmentation Revenue in the Countie of *Kent*, *Surry*, and *Sussex*. Receivers of *London Middlesex*.

Hertford and *Essex*. Receivers of

Norfold and *Huntington*. Receivers of

Suffolk and *Cambridge*. Receivers, and made before him by the Auditors of the same Shires.

He examineth the letters, and casteth up the sums of such Sheriffs forraign Accounts, Escheators Accounts, Collectors Accounts, of Customes, Subsedies, and Fifteens, as are brought unto him by any of the Auditors of the Court, in the head of which accounts, the Barons name is set that examined them, And his addition thereunto is *Auditor*, And then the Auditors name that did take and ingrosse them, is set under the Barons name, and his addition thereunto is *Clericus*; So as it seemeth, the old course of Exchequer accounted the three under Barons

rons the Auditors of the court, and those we now call Auditors, but as their Clerks. And in this wise the old account of the Ward Robe, the Victualls, the Ships, the Workes, the Provisions, the Wars, and such like, were heretofore taken and examined, which be now taken by the Auditors of the Prests, and are declared by them, and they account before the Lord Treasurer, Chancellor, and Vice-Treasurer only, except they please to call some of the Barons to them, as they use sometimes, when the most of them cannot attend the hearing of the same accounts.

The third Baron.

IS hee that is third in place and Anceintie to the two Barons, and may do all things in Court, in their two absences as the two Barons, and their fellowes might do before; but in both their absences, the third is very circumspect to do or meddle with any thing, but that which is ordinary, and referreth over all suitors as before.

Hee

He may take Recognizances in Court to the Kings uſe, as the other did before, and hath his fee alſo of ſix ſhillings eight pence for the ſame, that are taken out of the Court, as the other had before.

He giveth every *Symon* and *Judes* day the Oath to the Lord Mayor, and Gaugers of *London*, that he ſhall make a true account of the ſame, and aske nor petition or allowance but what is good and true.

He taketh the declaration of the ingroſſed accounts of the Receivers of the late Augmentation Revenue in the Counties of *Somerſet* and *Dorſet*.

Receivers of Cornwall, and Devon Receivers.

He likewiſe as the ſecond Baron did before, examineth the letters, and caſteth up the ſums of ſuch Sheriffs forraigne accounts, Eſcheatours accounts, Collectors accounts, of Cuſtomes, Subſidies, and Fifteens, as are brought to him by anie of the Auditors of the Court as aforeſaid.

The fourth Baron

IS alwayes a Curſiſtor of the Court, and hath been choſen of ſome one of the Clerks in both the Remembrancers offices, but moſt uſually he is and hath been choſen of ſome one of the Clerks of both the Remembrancers office, or of the Clerke of the Pipes office.

He taketh Oath every *Simon* and *Judæ* day of the two Attorneys, the new Lord Mayor then putteth in, *ad recipiendum mandatum Curiæ*, And likewiſe of the Deputie Eſcheator and Gauger of the late Lord Mayor, Eſcheator and Gauger of *London*, that they ſhall make a true account of the ſaid Offices, and aske noe petition or Allowance, but that which is good and true.

He if he preſent in Court at dayes of prefixion, taketh the Oath of all high Sheriffs there, under ſheriffs, or Attorneys, and of all Eſcheators, that they ſhall make a true account of the ſaid Offices, and aske noe petition or allowance but that is good and true.

He

He taketh the Oath of all Collectours, Countrollors, Surveyors, and Searchers, of all the Cuſtome houſes in *England*, that they have made true Entries in their Bookes without concealment, or leaving out any parcell of wares, or merchandizes, to the Kings hinderance or prejudice.

He taketh before the Court commonly begin to ſit, or when it hath little to do, or my Lord cheiſe Baron is abſent, the oppoſals of the Shiriffs, of their ſummons that come in, and are ſworne to account as before, which is nothing elſe but oppoſing of every Sheriff, what he will ſay to every ſummons, which is written to him out of the Pipe, who upon the ſayd oppoſalls anſwereth unto ſuch ſums as hee will pay and charge himſelfe with, confeſſing ſo much due or received. And to the other ſumms he will anſwer, *O. Ni.* as confeſſing, *Oneretur niſi exoneretur*, and ſo the ſaid Baron goeth on in this manner, queſtioning and asking of every Sheriff, what hee ſaith to every ſum in his ſummons, untill he hath gone through every one of them.

Hee informeth the Bench and the Kings learned Councill from time to time, both

in Court and out of Court, what the course of Exchequer is, and stayeth the rest of the Barons, and the Kings learned Council, from ordering any thing they go about contrary to the sayd course, for the preservation of the same, and to save the Kings Prerogative and benefit, which the course of the Court most commonly maintaineth and respecteth.

Hee taketh the declaration of the ingrossed accounts of the Receivors of the late augmentation of the Revenue of the counties of *Yorke*,

Receivers of *Oxon* and *Berks*,

Receivers of *Buckingham* and *Bedford*.

Hee likewise (as the two other Barons) examineth the Letters, and casteth up the sums of such Sheriffs forraigne Accounts, Collectors accounts, of Subsidies and Fifteens, as are brought unto him by any of the auditors of the Court, and causeth his name, and the auditors name that ingrosseth it, to be set with additions of the auditors, and *Clericus* as aforesayd.

He taketh the Bayles of all Sheriffs, Bayliffs of Liberties, and Escheators that keep

not

not their dayes of prefixions, but come into the Court by attachments, which is nothing else but with sureties to be sworne to account, and then assesseth the Fines of all such Bayliffes, *Pro libertate reprehendenda*, and of all such Escheators for their contempts which be very small, and never above five shillings, but rather under, as twelve pence, two shillings, and three shillings foure pence. And for the Sheriffs Fines, it is ever five pounds a day for his four next dayes after his day of prefixion that he faileth to come and to be sworne to his account.

The two Chamberlaines

HAve their place next in Court to the foure Barons, and may sit and keepe their places dayly in Court, if they like to attend and hearken to the causes of the Court, without any intermedling therein. But at the election of the Sheriffs yearely, (*In Cr. Animarum*) they are ordinarily to be there, and keepe still their place, and may say their opinions for preferment or

ſtay of men to be Sheriffs, as the Barons and Juſtices do, but other dealings in the Court of Exchequer at this day, I know not that they have.

They have in old time had great authority in the Receit (as I have heard ſay) and have kept certaine keyes of the Treaſury Coffers, and were ever privy to the Pells of Receit, and to the Pells of *Exitus*, of the which each of them kept a controller, as at this day they do of the pell of receits, and no mony iſſued out of the Receit without their privity, as is manifeſtly proved, becauſe at this day every privy ſeal for the payment of any mony out of the Receit is directed *Theſaurarijs & Camerarijs.*

They have the charge of the Treaſury with the Lord Treaſurer, and keepe the keyes thereof, where all the ancient leagues betweene the Kings Progenitors, and other Princes and States, either do or ſhould lye, and where the booke of *Doomſday* and the ancient Records and Pleas, *De Juſticiarijs itinerant.* and *De foreſtis*, and of diverſe other matters do remaine; into which Treaſury, neither they nor their Deputies can come with their keyes, untill the auditors

auditors of the Receit come with the Lord Treasurers key to the same that remaineth in his keeping to my Lords use.

The Kings Attorney

IS the speciall Officer of the Court that is made privy to all manner of pleas that be not ordinary and of course, that rise upon the processe of the Court, and to the Replications and Rejoynders growing upon the same on any of the Remembrancers sides.

He putteth into the Court of his owne name for the King, all informations of concealments of Customes, Subsidies, Seisures, Receits, and of Intrusions, Wasts, Spoiles, Incroachments, and Anoyances, done upon any of his Majesties Lands, Tenements, Woods, Rents, Rights, and Hereditaments, and upon any popular Actions, penall Statutes, Forfeitures, or breach of Covenants.

The Kings Remembrancer.

THE Kings Remembrancer of the Exchequer, who at certaine dayes prefixed in the Terme, calleth to account in open Court by his booke yearly made, and commonly called *Statutus magnorum computantium, &c.* all the great accountants, as the Cofferer, the Maſter of the Wardrobe, the Maſter of the Horſes, the Keeper of the Scudry, the Maſter of the Revells, the Clarke of the Hamper, the Butler of *England*, the Treaſurer of the Mynt, the Lieftenant of the Tower, the Conſtable of the Tower, the Lieftnant of the Ordnance, the Receiver of the Ships, the Victualler of the Ships, the Maſter of the worke, and ſuch like; and by the ſame booke, ſhould call the Vulgars to account, that are now reduced to a fee farme certain by my Lord Treaſurers Bill made therefore to them for one and twenty years or more, and ſo they anſwer yearly their fee farm in the Pipe.

And by the ſame booke he calleth (as be-

before) at dayes prefixed, all ſearchers, *Ad reſpondendum Domino Regi medietatem omnium foris facturarum in Officio ſuo contingent.* &c. And all collectors of Cuſtomes, and Subſidies, *Ad computandum*, which book of States hath all the ſayd Officers chriſten names, and ſurnames, with the addition of their Offices that be full and given, and being not given nor full, nor account at this day, it hath only the Office name in the ſame.

He inrolleth, and after writeth out the ſame, according to the courſe of the court, againſt all the ſayd accountants that come not in at their dayes prefixed, and account for their ſayd Office, except ſuch as be not now accountants before the ſayd Barons.

He calleth to account in open court by his like booke called the States of the collectors of Subſidies and Fifteens, all manner of high collectors thereof granted by Act of parliament in every ſhire, city, Burrough, Towne corporate, and place whatſoever through *England*, as they are appointed and certified by the commiſſioners every where for the aſſeſſing and levying

vying of them, and according to their dayes of payment appointed them by the Statute.

He inrolleth and maketh out proceſſe againſt ſuch of the ſayd Collectors for their Bodies, Goods, and Tenements that come not in to account, and pay their mony according to the grants of the ſame.

He taketh Recognizances to the Princes uſe before the Barons in open Court, or out of Court before ſome one of them, of all ſuch perſons, for moſt cauſes, with ſureties and ſeldome without ſureties, as by occaſion of any of the premiſes, or from time to time for any debt, day of Appearance, or other commandement of Court, are forced to be bound any manner of way.

He upon the breach and not keeping of theſe Recognizances, inrolleth proceſſe, and maketh out the ſame againſt all ſuch perſons as were bound therein, according to the courſe of his Office.

He as the Returnes of the ſayd proceſſe by courſe of the Court do offer occaſion of ſome change of Writs in manner and forme by the Returns of Sheriffs, as *Non*

ſunt

ſunt inventi, *Nihil habent*, *mortui ſunt*, *languidi ſunt in Priſona*, and ſuch like without number, doth by and by on the back ſide of the Writ ſo returned and indorſed what is to be done, or leaveth it to the Clarke of his Office to do it, whoſe charge it is to write the proceſs of the ſhire where it runneth, that of courſe can tell what to do, and all the ſayd proceſſes be ſtill current every Terme untill they that are bound, or their Executors, Adminiſtrators, Heires, or Ter-Tenants come in and pay the mony, or take order therefore, or plead in diſcharge of them.

He hereupon informeth the Lord Treaſurer, and in his abſence, or by his order the Chancellor or Vice-Treaſurer of the Court, every Terme when he is commanded, of all manner of debts and arrerages of any the ſayd Accountants, or upon any other perſon depending in his Office, by reaſon of any the ſayd Recognizances, or of Bonds taken, or delivered in his Office by any other occaſion, and due with them ro his Majeſty.

Hee according to their Order ſtayeth or ſetteth forth proceſſes for the ſayd debts, and

and arrerages, and admitteth any perſon vexed with proceſſe from time to time to plead in diſcharge thereof, or of any part of the ſame, unto which plea the Kings Attorny is made privy, who referreth the ſame over to the Court, if hee thinke not good to confeſſe it.

Hee hath all manner of Informations upon penall Statutes, Intruſions, Concealments and ſuch like, put in and ſued in his Office only, with all matters, Recognizances and Bonds depending or proceeding upon the ſame.

He by calling on, and remembring the Court and the Kings Attorney of the ſame and other Pleas depending in his Office, doth drive them to be ended, either by the Attorney generalls confeſſion, or Judgement of the Court, upon Jury, Demurrer, Privy ſeale, or compoſition, *Promiſis Parcandis*, being upon popular actions.

He only on his ſide maketh the Bill Roll of compoſitions, *Promiſis Parcandis*, upon penall Lawes; and Statutes, and getteth the Lord cheif Barons, the Kings Attorney, and the other Barons hands to them, and maketh up the Records of the ſame.

He

Hee taketh the ſtallment of all debts by Recognizances after the ancient courſe, and ſometimes now by Obligation, becauſe the parties (bound upon their payments) would have out their Bonds again, which elſe be as Statutes of the Staple to the Prince by Act of Parliament, which ſtallments ſhould be forthwith ſent downe into the Pipe, that they might be ſo moved out there for time to time againſt the day that any payment ſhal grow due, and ſo is the ancient courſe of the Court.

Hee only taketh Bonds and Recognizances in the Court, and all to the Kings uſe, of all Sheriffs, Cuſtomers, Controllers, Receivers, Bayliffs and of all other perſons whatſoever, that are bound in the Exchequer, and doth all things proceeding upon the ſame.

He inrolleth all the ſayd Bonds and Recognizances in remembrance of the yeare, that are taken there or brought in, and delivered in Court for the Prince his better ſafety, if the ſame ſhould miſcarry by fire imbezeling, or otherwiſe.

Hee ſometimes by Warrant of the Lord Treaſurer and in his abſence the Chancellor

cellor, the Vice-treasurer, the Kings Attorney, and the Court, maketh out Commissions in the Countrie to certaine Commissioners by *Dedimus Potestatem* to take Bonds to the Kings use when the partie is to be bound with Sureties, and cannot conveniently come up, or bring his Sureties hither to be bound for him, of the Returne whereof he maketh Record, and fileth the Commission, and the Certificate and the lands besides.

He by like writt changeth bonds and Recognizances of the first parties that were bound and taketh others in other places, that the Lord Treasurer the Chancellour and the Vice-treasuror alloweth of.

He maketh all processe, Commissions, Decrees, orders, Awards, and Entries proceeding, or growing of anie matter, cause plea, or originall depending, or to be sued on his side, that the whole Course of the matter may appear and remaine on Record in any place ever together.

He maketh a Record in his office of all the Certificates delivered unto him by the Clerke of the Star chamber under his hand, of such fines as be sett upon any person by the

the Lords there, and cauſeth the ſame fines to be ſent downe from his Record into the Pipe to be ſumoned out there, to be written from thence by the Treaſurors Remembrancer when they be put in his Book called *Cedula Pipe.*

He maketh up the Record of every Biſhops death, of his multure of his beſt horſe, Ring, and cup of gold, and ſilver, ſeiſed to the Kings uſe, or of fine made thereof by every of their executors or the adminiſtrators of their goods and Chattells.

He taketh the Proffers every *Eaſter*, and *Michaelmas* Terme, in the Receipt before the Barons, of all the Sheriffs, Bayliffs, and Eſcheatours and marketh the default of every of them that doth not appear there by his Attorney, aſwell as the Treaſurors Remembrancer doth.

He readeth in open Court the Oathes and the Uſher giveth the Book at the Election of Sheriffs yearely every *C. Animarum*, in French, and offereth the Book to be kiſſed by them that choſe them.

He readeth in open Court the Oathes and the Uſher giveth them the Book to kiſſe, that all the grand Officers of the Court

of

of Exchequer doe take either before the Lord Chancellour for the time being, and the Barons, and likewise the Oathes that all the under Officers Ministers and servitors of the said Court, doe take before the Lord Treasuror, the Chancellour the Vice-treasuror, and the Barons of the Court, or some of them.

He onely maketh the great Prerogative Writ of the Court, for all Officers, Ministers and Servitors of the Exchequer, and Receipt, and for their men that be sued elswhere in anie Court of Record or place to remove such plaint before the Barons such a day to surcease the suite.

He hath delivered into his office to keep, all manner of Judgments, Fines, Recoveries, deeds, Releases, writings, Charters, and Evidences whatsoever, that are brought into the Court by the Lord Treasuror, the Kings Attorney, or any other person, either for the Assurance of lands and Tenements to the Crown, or for the better Recoverie and enjoying lands, and tenement that ought to come or be in the Crowne.

He maketh by warrant of the Lord treasuror, the Chancellor, the Vice-treasurer, the

the Kings attorney, and by the Award of the Barrons in open Court, all manner of proceſſe, writts, Injunctions, and conditions whatſoever, that be to be made on his ſide, beſides the ordinary proceſſe and writte of every Terme, whereof he likewiſe maketh ſtay, and *Superſedeas*, by Warrant and Award of the Barons as aforeſaid.

He entreth Judgment, according as the Lord cheiſe Baron and Barons of the Court Commandeth him, of all Pleas dependingon his ſide both for the king and the partie, though the Kings learned Councell would willinglie have the Judgment goe otherwiſe.

He entreth Judgment of his owne Authoritie by the Ancient Courſe of the Court of Pleas of Courſe, and whereof there are dayly Preſidents which were not able otherwiſe to be overcome if they ſhould be read and followed openly in the Court.

He ſendeth the red Book by one of his Clerkes with the fourth Baron moſt Commonly, and in his abſence, with the next Baron into the Kings Bench, and Common Pleas in the Terme time, to remove any

matter ſued there againſt any Officer, Miniſter, Servitor, or any of their men, or any Accomptant there, that prayeth his priviledge in time of any of the ſame Court, upon which ſaid red Booke ſhewed, and the parties ſoe teſtified by the Baron to be of the Court as aforeſaid, his Priviledge is ordinarily allowed.

He receiveth into his Office all the Certificates of the Subſidies, Fifteens, & Tenths, granted to the Prince by Parliament, and certifieth unto the Exchequer, whereupon he maketh his two Bookes called The State of Subſidies, and the State of Fifteens, in which is entred the Collectors names, and for what places, with the ſumme totall of every Certificate, as they doe come in with their payments agreeable thereunto, ſoe are they croſſed and entred cleere, that otherwiſe ſtand open while the money is payed, and diſcharged.

He ſendeth every Hillary and Trinitie Terme, ſeverall parchment Bookes, to all the Cuſtomers, Controllers, Surveiors and Searchers of the Ports and Creekes through *England*, to make the firſt and ſecond halfe yeares Entries in the ſame of the Kings

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Majesties Customes and Subsidies, and the Cocketts thereof, according to certaine late orders in the late Queens time sent unto them thereof. And likewise every *Michelmas* and *Easter* Terme he receiveth the same by the Oath again of the said Officers in open Court, or before some one of the Barons out of the Court, that they have made all true Entries in the same, and as they ought to have done.

He receiveth from some one of the three Barons, and of the Auditors of the Court Attending on them, all Sheriffs forraign accounts, Collectors accounts of Subsidies and Fifteens, and the Coffereis accounts, which he taketh, & the Accomptants name with his addition of account, and the summe totall and the debts of the same, and so putteth every of them ever by himselfe, or one of the Clerks of his Office to the Treasurors Remembrancers side to be entred there in like sort; both which Remembrancers should likewise receive all the great accounts taken now before the Auditors of the Prests and the Receivours and Ministers accounts of the late Augmentation Revenue, taken before the Auditors of

the Shires to make like Entries thereof in both their Offices, and to be conveyed in the viewes of every yeares Remembrance, and that he to whome it did appertaine, might make proceſſe upon the ſame, where any cauſe ſhould ſo fall out, and ſo noe *Super*, or debt thereupon, by that meanes ſhould be behind, and to be out of Proceſſe every Terme while they were diſcharged.

He ſendeth commiſſion of *Niſi prius* by the kings Attorneys Warrant onely, upon tryall of any matters within his office at the Aſſizes in the countrie *Ad tenorem Recordi* under the Exchequer Seale with it, But at the *Niſi Prius* in *London*, at Guildhall, he hath the very Record of his Office brought thither, and it is without commiſſion, becauſe my Lord cheiſe Baron ſitteth thereon, and the Kings Attorney and his Majeſties learned Councell either be, or appoint to be there for his Highneſſe.

Hee hath other ſpeciall Authorities, preheminences, and matters, appointed to his Office by the Articles of the uniting of the ſaid Court of Augmentations to the Exchequer, which are referred thither for breiſe-

breifeneſs and for more certaintie at large of the ſame.

The Lord Treaſurors Remembrancer

IS the ſecond Remembrancer of the Exchequer and belike of old time was ſo called, for that it was then in the Lord Treaſurors gift, or that he had ſome ſpeciall ſervice appointed to him by the Lord Treaſuror to remember him of, or to be kept in Record.

He hath his Office cheifly eſtabliſhed upon the execution of the originall, ſave for the great accounts, the Cuſtomers, controllers and ſearchers, that is yearely ſtreated to him out of the Chancerie, and is otherwiſe called *Extractus Cancellariæ*, being the yearely ſtreate *Verbatim*, as they paſſed under the great Seale of *England*, from time to time of all Sheriffs, and Eſcheators Pattents, of all Cuſtomers, Controllers, and Searchers Patents, of all Receivers, Reeves, Beadles, Bayliffs, Collectors, and Stewards

Patents of all grants of lands, and Tenements for life, in fee ſimple, fee taile generall, or ſpeciall, of all denizonſhips, Creations of Archbiſhops, and Biſhops, erections of any Abbies, Priories, Colledges, Chauntries, Hoſpitalls, Schooles, and Corporations, of all cuſtodies of any Honors Caſtles, Lordſhips, Mannors, Chaces, Forreſts, Parkes ſpeciall, and generall, after the Courſe of the Chancerie, & ouſterlemmes, of all Licenſes of Alinations going over ſea, tranſportations, Introductions, Retaines, imparkings, and Incloſures, of all pardons, Alienations, intruſions, treſpaſſes, utlegaries, felonies, murders, miſpriſions, treaſons, and forfeitures, of all reſtitutions of blood, goods, and Chattells, lands and Tenements, of all leaſes for Terme of life, or for yeares, of all Fines groſſe and ſmall, of all Writts of reſtitutions of Temporalities, of any Abbey, Priorie, Archbiſhopprick, wards and ſeized lands and Tenements, of all *Dum Cl. Extremum, Mandamus, Melius inquirendum, et qu. plura.*

He out of the ſaid Originall, maketh his Booke called the Roll of Proffers, which is a record, and a part of the remembrance of every

every yeare of the comming of every Cro. *Michalis*, and Cro' *Clauſ. paſch.* into the receipt of all Sheriffs, Bayliffs, Farmers, Eſcheators, and men of certaine Townes within the realm, and of putting in a Warrant of their proffer made of the iſſues of their Offices, at which if any of the Sheriffs made default by himſelfe or their Attorneys, or pay not into the receipt there by Tallie *infra menſem* following, they forfeit their recognizance, and the Bayliffs, Farmers, and Eſcheators that come not then to appeare either by themſelves or their Attorneys, are amerced at halfe their proffer, And if they pay not their proffer *infra menſem* following, then doe they looſe their proffer and pay it unto the receipt without having any Allowance of the ſame upon their account.

He when the ſaid proffers are done, maketh Proclamation in the receit before they ariſe That all Sheriffs, Bayliffs of liberties, and Eſcheators, do pay their proffers as they are accuſtomed *infra menſem*, and keepe their dayes of prefixion for their Accounts in the Exchequer according as by the Court

they are appointed upon paine and perill that ſhall fall thereof.

Hee thereupon by his booke called the ſcroule of accounts made out of the Rolls of profers, and out of any other part of the yearly remembrance, called *Dies datus vicecom. et Eſcaet. ad Computand. poſt profra* every *Michelmas* Terme, doth call all Sheriffs, Bayliffs, and Eſcheators of the year laſt paſt to account, ſome *Cr. Sc. Michis*, ſome *tres ſeptiman Sc. Micahis*, ſome *Menſe Micahis*; ſome *Cr. Simon et Jude*, ſome *Cr. animarum*, ſome *Cr. Martini*, ſome *Octabis Hillarii*, ſome *Cr. Hillarii* ſome *Quinden. Hillarii*, ſome *Cr. Purific.* and ſome *Quinden. Paſ.* as every of theſe ſeverall dayes of prefixion of ancient have been ſet by the Court, and as they thought they ſhould be able to overcome, and finiſh their Accounts.

He out of the Originall of the Chancery the Roll of proffers, *Dies dat. Viceom. & Eſcaet.* the ſcroule of Accountants, and other Records, both preceding and following thereupon, doth make a yearely Booke called the Roll of Writs, that is a part alſo of the yearly Remembrance made

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in his Office, in which he enrolleth all *Bria. returnabil. de Term. Hillar. Pasca sectæ Trinitatis, & sectæ Michaelis*, every year some from the Originall, some from all the parts of the yearely Remembrance that is made with him, some from the transcript of Offices, yearely streated into his Office out of the Chancery, some from Offices found before the Escheator, *Virtute officij*, and certified to him from the debts of the Pipe, put in his books called *Nomine Escaet. & cedula Pipæ*, and some from the streat of Common Pleas, called the Fynes.

He out of the Originall from all Receivers, Bayliffs, Reeves, Collectors, and Beadles Patents of any the Kings Lands or Tenements, doth inroll and write, *Venire facias ad computand.* or *distringas ad reddend. compotum*, from all grants of Honors, Castles, Lordships, Mannors, Lands, and Tenements granted by the Prince to any for life, in fee simple, fee taile generall or speciall. he doth inroll and write *Distringas ad faciend. fidelitatem & ad faciend. homag. & fidelitatem*, or a Writ of Reversion when the taile is spent, and otherwise as the case requireth, from all Denizenships

ſhips he maketh a *Diſtringas ad faciend. homag.* from all cuſtodies of Lands and Tenements, or Farmes, hee doth inroll and write, *Diſtringas ad faciend. fidelitatem*, or *homag. & fidelitatem*, or *ad reſpondend. de relevijs*, from all pardons of Outlawries, Attainders, Felonies, Murders, Treaſons, Miſpriſions of Treaſons.

He doth inroll and write *Diſtringas ad reſpondend. de omni eo quod ad Regem pertinet, &c. vel certiorari quæ bona & catalla A.B. habuit, &c.* From all licences of alienations hee doth inroll and write, *Diſtringas ad faciend. fidelitatem*, or *ad audiend & terminand.*

He doth inroll and write Writs of Reſtitution of any Temporalties.

He doth inroll and write, *Diſtringas ad reddend. comp. de exitibus temporal. &c.* and *Cercioraries*, ſometimes, *Quis recepit exitus et profit. temporal.* &c.

He from the ſayd Roll of proffers, doth inroll and write againſt ſuch as pay not their profers, *Infra menſem*, &c. *capias pro contemptu*, with a *Fieri facias pro proffera.*

Hee from the ſayd ſcrowle of Accounts grounded

grounded upon *Dies datus* aforesayd, every *Michaelmas* Terme against Sheriffs that make default at their days of prefixion, doth make a Record of five pounds for every day of payment, after hee makes default while four dayes next be past, which is set down in the Pipe to be charged upon them, or is levied upon a *Fieri facias* except the Princes Letter come aforesayd for the discharge of such Amerciament, and then he doth inroll and write out an attachment for his Body, Goods, Chattells, Lands Tenements, while he cometh into account, and putteth in Bayle to end and finish the same, and against all Bayliffs of Liberties that make like default, hee enrolleth and writeth out like Attachment as hee did before against the Sheriffs.

Hee from Commissions that is a part of the yearly Remembrance layd in his Office, and made by Warrant or commandement of the Court, or upon some other dependency of Record, *Ad inquirend. Ad faciend. Ad Exequend. Ad perimplend. Ad recipiend.* or *Ad certificand.* doth enroll processe and Writs out of the same against the Commissioners thereof, *Ad liberand. Inquisitiones*

quisitiones, ad certificand. ad computand. or *alia faciend.* as the matter offereth.

He upon the *Communia*, that is the ſeverall Records of all the pleas put in every Terme within his Office, and another part of the ſayd yearly Remembrance, doth inroll proceſſe, and doth write the ſame againſt the partyes whom they concerne, *Ad faciend. fidelitatem homag. & fidelitatem magn. Serjantiam, et parvam Serjantiam, et ad reſpondend.* &c. as the ſeverall Statutes and judgements of the ſame doth require.

He even ſo doth inroll proceſſe and writ out of the ſame from all other parts and titles of their Remembrance, and from all other Records riſing in his Office, are brought into the ſame of ſuch kind and nature, as the matter in them by the courſe in the Court doth require.

He upon all theſe proceſſes that do thus iſſue out of his Office, doth admit every man to plead in diſcharge of any of them that hath cauſe, and matter, and by the courſe of the Court is bound thereunto, but no firſt Patent of Lands or Tenements, or he that ſueth a licenſe of alienation, or

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a pardon of Alienation, or Livery ſpeciall or generall, or an *Ouſterlemaine*, or after the courſe of the Chancery, that is ſtreated as afore in the yearely originall is compelled or ſuffered to plead upon any ſuch firſt proceſſe inrolled upon the ſame, and written out by every of them. are admitted to do their fealty, or to pay their fine for a reſpit of homage, at any Terme they come in after the ſame ſent forth, and ſo keeping ſtill the payment of the ſame Fine every fifth Terme, they have proceſſe made out againſt the ſame Land their fine is made for, but their fifth terme homage written to put them in Remembrance of the payment of their fine, while either they be returnod dead, or *Nihil habet* in the ſame Land.

He upon all ſuch Returns of *Mortuus*, or *Nihil habet* from the Originall, or of like ſervice of Writs from pleas, or any other Record in his Office, doth ſtrait write out the next Term after ſuch Return, a *Dic. tenents* of the ſame Land, the Tenant is returned *Mortuus eſt*, or *Nihil habet*, &c. for the anſwering of the which, the party that is returned the now tenant of the ſaid Land,

land, muſt ſhew he hath therefore a licence of Alienation, or a pardon of Alienation, or a livery generall. or ſpeciall, or an *Ouſterlemaine*, or after the courſe of the Chancery by which he entred, and he muſt plead either the ſame or ſome generall pardon that will ſerve for his diſcharge, or otherwiſe, with the *Nec non ad oſtendend.* goeth current ſtill every Terme, while hee come in and plead as aforeſayd.

He admitteth any ſuch perſon that hath any ſuch Land whereof the Tenant is returned *Mortuus eſt*, or *Nihil habet* before the *Dic. Tenement.* goeth forth thereof, with a *Nec non ad oſtendend.* upon the ſayd return to come into his Office, and inroll there his licence or pardon of Alienation of the ſame Land, and to ſhew his conveyance thereof, and likewiſe to enroll his Livery ſpeciall & generall, the *Ouſterlemain*, or after the courſe of the Chancery, and upon the ſame enrollment, and ſhew he doth admit ſuch perſon to do his fealty, and to pay his Fine upon a Writ made from the ſayd enrollment, and ſhew of his evidences to agree therewith, without any manner of pleading, becauſe all ſuch Writs be

like

like the firſt writts inrolled from the originall, and writtẽ out as aforeſaid againſt the firſt tennant onely of the land by good matter of Record.

He upon all pleas put into his Office where the Kings Attorney may make an Averrment contrary to the plea of the partie, and where the partie pleadeth anie forraigne matter then is of record in that Court, and allowed of, or would diſcharge any Claim, title, or Intereſt of the King by the ſame plea, ſave in the ſaid ordinarie Writtes for fealtie and *H*omage fealtie, and ſuch like, doth by himſelfe or ſome Clerk of his, make the Kings Attorney ever privy to all ſuch pleas, their replications, and rejoynders, who doth reſpect them and conſider them, and at length either doth confeſſe them, or referreth them, or giveth his Warrant out under his hand to have them tryed in the Countrie at the Aſſizes of *Niſi prius*.

He according to the Ancient order of the Court, upon all other ordinarie Pleas examined by him with one of the Clerks of his office concerning Writtes of ſervice, and ſuch like, doth enter Judgment along with-

out

out making the kings Attorney or the Court privie thereto, which ever in this wise were dispatched as agreeable to the President of the Court.

He either upon the first writ from the originall, or upon the writts written from the said Pleas, or upon distresses from the Streat of the fines of the Commission pleas, or from writts upon such like records in his office, doth set over persons fines for respit of *Homage* payable every fifth Terme according to a rate given him by the Court at his first comeing into his office whereof a record was then made, and is as followeth.

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the Fines for respit of Homage, every fift Terme of lands and Tenements.	Three pounds *per Annum* downwards	0	4
	Five pounds *per Annum*, downwards	0	8
	Sixe pounds thirteene shillings four pence *per annum* downwards	1	0
	Ten pounds *per annum* downwards	1	8
	Eighteene pounds *per annum*		

num downwards	2	0
Twenty pounds *per annum* downwards	3	4
Thirty pounds *per annum* downwards	5	0
Forty pounds *per annum*, downwards	6	8
Sixty pounds *per annum* downwards	10	0

And noe ſuch fines are ſet higher but upon Noblemen which according to the greatneſs, or meaneſſe of their lands, are ſet ſome at thirteen ſhillings fourpence ſome at twentie ſhillings ſome twentieſix ſhillings eight pence ſome at thirtie ſhillings and ſome at forte ſhillings, to be payed every fifth Terme, and none above, nor ſo high but for Dukes.

He hath ſet downe in his Book called *nomina Vic.* by the Clerk of the Pipe every yeare, the debts of all Sheriffs, Bayliffs of liberties, and men of certain Towns that are found, and caſt upon their accounts entred in the Pipe, and in another of his Bookes called *Nomina Ecaetor.* he hath every yeare the like debts of Eſcheators ſet

downe by the ſame Clerk of the Pipe; for all the which, he maketh Attachment and other ordinarie proceſſe of the Court for the levying of the ſame, as the caſe doth require.

He hath in a third Book in his Office called *Schedula Pipe*, All debts ſet downe by the Clark of the Pipe, of ſuch perſons as upon the oppoſalls of the Sheriff of their ſummons, be ſaid by them to be dead, to the end he ſhould make a *Diem clauſit Extremum*, after the death of ſuch debtors to the Sheriff, which is the award of the Court, and of purpoſe to enquire what day and yeare they died, and what goods and Chattells, and of what value they had at the day of their death, and to whoſe hands the ſame came, and now be, and to ſeize the ſame in whoſe hands ſoever they be, and to leavy the ſame debt, and have them before the Barons ſuch a day.

And if their goods and Chattells be not ſufficient to pay the ſaid debt then to enquire what lands and Tenements, and to what yearely value they had at the day of their deaths, or when they became debtors, or ever ſince, and to whoſe hands and poſ-

ſeſſion

ſeſſion the ſame came after their deceaſe and in whoſe hands they now be, and the ſame to ſeize in whoſe hands ſoever they be and keepe ſafe, and to Anſwere the iſſues and profits thereof untill the ſaid debt be fully ſatisfied and payed, or that he otherwiſe is Commanded, and to diſtraine all the Executors of the Teſtament of the ſaid debtors, as Adminiſtrators of the goods and Chattells that were his, and alſo the heires, and Ter-Tenants of the ſame debtors, if they have not Executors to Anſwere the ſame debt, and all to the intent the ſame might this way be payed that could not by the ſummons of the Pipe be ſo levied. And likewiſe he hath put in his ſaid Booke of *Schedula Pipe*, by the Clerk of the Pipe, other great and ſpeciall debts that the Court will have ſpedeier and ſharper proceſſ made for them by the ſaid ſummons, to the intent the Debtors ſhould be either quickly Attached and brought into the Court, or the money payed and Anſwered to the Sheriffs, or into the Receit, as ſhould beſt fall out for the eaſe and diſpatch of the debtors.

He taketh into his Office, all Streats of

Fines, iſſues, and Amerciaments, ſent into the Court from the Kings Bench, the common pleas, the Juſtices of Aſſize, and all Juſtices of the Peace, through *England*, which are by him delivered over by the Rolls of ſtreats into his Office to the Clark of the Streats to write out, who ſets his hand thereto for the Receipt of the ſame.

He taketh on his ſide alſo (as the Kings Remembrancer doth afore) all Sheriffs forraigne accounts, Bayliffs accounts, Eſcheators accounts, Cuſtomers accounts, Collectors accounts, of Subſidies and fifteens, and the Cofferers accounts (as before is declared in the point amongſt the matters of the Kings Remembrancers ſide.

He ruleth the ordinary petitions that any of the ſayd Accountants do make or pray upon their ſayd accounts to be allowed them without the privity of the Court, being matter of Record and Preſident in Court for the diſcharge of the ſame, and other their new and firſt petitions, are allowed from time to time by the Judgement of the Court, and ſo he ruleth them under his hand accordingly, and there entred either

ther in the *Venos* or the poſtſcript of the yeares, wherein they ſhould lye, that be part of the Remembrance for that year.

Hee by the Lord Treaſurers Warrant, the Chancellors Warrant, the Vice-Treaſurers Warrant, the Lord cheife Barons Warrant, the Kings Attorneyes Warrant, out of the Court, and in the Court by the Order of the Barons, doth make all manner of proceſſe, Writs, Commiſſions, and Injunctions for matters on his ſide, and maketh ſtayes, and *Superſedeas* of them, as he is by them willed and commanded.

He writeth once a year the iſſues of his Office returned by the Sheriff every Term, and laſt upon all manner of diſtreſſes in the ſame, which being bound up and examined by the Clerks of his Office, are delivered over by the Roll of Eſtreates to the Clerke of ſtreats to write out, who ſetteth his hand to the ſayd Roll for receiving of the ſame.

Hee layeth every Lent yearly a Remembrance of the 5 year before, & dothregiſter & make up cleere all the Records of the ſame, or diſcontinueth them that cannot be made perfect, and inrolleth proceſſe a-

new of thoſe matters, and ſo receiveth the ſame by new writing them out againe. In which time alſo of Lent, he entreth alſo every Writ in that Roll of Writs of that yeares Remembrance that is Law, and all the Homage Writs of the ſame, and likewiſe all the ſylances of his Office of every Terme ſince that Remembrance, then he doth lay to ſee if they all be ſtill currant in courſe and every Term as they ought to be, and ſuch as are found wanting by falling off, or otherwiſe, are then new enrolled in the Roll of Writs, of that year, and ſo are received and ſet current anew, that the leaſt Writ of his Office, whereby the King is to have any right or profit is not ſuffered to be loſt, nor yet left to be uncurrent.

He hath other ſpeciall Authorityes, Aſſignments, and matters appointed to his Office by the Articles of the uniting of the late Court of augmentations to the Exchequer, which are referred thither for breifneſſe, and for more certainty at large of the ſame.

Sheriffs

Sheriffs Accounts.

HE, if the Sheriffs do account by improvement, and have no tally of Reward after the Secondary hath caſt up every Sheriffs firſt ſumm, doth examine it; and ſeeth that the ſame be made only of Sheriffs vicommells, upon which hee giveth him allowance, firſt of his profers payed by tally, and then of all ſuch allowances, as are given him by Act of Parliament. Then after his ſaid Secondary hath made up the Sheriffs ſecond ſumm upon his *De debitis pluximum*, which be his *Tots* and upon his *De pluribus debitis* charge which be his greene Wax, and his whole as before, or ſo many of them as he is charged with, hee cauſeth the Sheriffs forraigne accounts to be caſt up, and chargeth firſt to the ſame ſecond ſumm, the old ſeizures thereof, which be Lands and Tenements ſeized before by his predeceſſors, upon the proceſſe of the Court, and then chargeth the Sheriffs own ſeizures to the ſame, which be of lands & Tenements ſeiz-

ed in his own time by Proceſs of the Court, & ſo addeth to theſe ſuch Fellons goods as he hath ſeized himſelfe, After which things done, he giveth him allowance of all his payments, deductions, annuall Charges, and ſoe bringeth the *Quietus eſt*: And if the Sheriff do not account by Improvement but hath a Tally of reward, then the ſaid Secundary doth make up but one ſumme to ſuch Sheriff of his whole Charge aforeſaid.

Eſcheators Account

HE conveyeth yearly into the great Roll breifly, the Eſcheators accounts of every Sheire into the pipe of the ſame Shire where he is Eſcheator, he entreth the ſame and maketh his allowance both of his proffers and of all his petitions he maketh in the Treaſurors Remembrancers office, in diſcharge of his debt, and ſoe is the Eſcheator brought downe alſo to *Quietus eſt*.

Roll

Roll of Accounts

HE doth every Lent make up a great Roll of all the ſaid accounts, as the Kings and Treaſurors Remembrancers doe lay every lent a Remembrance in either of their Offices, and ſuch debts and Remains as be not, or cannot be made q[uit] it and cleare in the ſaid grea: Roll made up every Lent, are Conveyed into the Pipe of the great Roll that ſhould be made up for the year following.

Cuſtomers Accounts

HE hath for all the Cuſtomers accounts yearly a Book called the Cuſtomers Roll into which every Cuſtomers Charge and Allowance is Conveyed yearely and the debts and the remaines in them are from thence conveyed over from time to time in the great Roll, and are ſummoned out, or Written for the proceſſe from *Schedula Pipæ*, where they are entred

tred also to be the ground of the Treasurors Remembrancer to make the processe by.

Rolls of Subsidies and Fifteenes

HE hath even so speciall Rolls for all such Subsidies and Fifteenes granted to the Prince by act of Parliament, called the Subsidie Roll of the Clergie, and the Subsidie Roll of the Laity, and the Roll of Fifteens of such a king, or of two or three Kings together as it falleth out, or may be continued, Into which he entreth the severall accounts of the severall Collectors, and of such debts as remaine unpayed upon anie of them, are conveied likewise into the great Roll, most meete for the same to be Charged in, and so are summoned out also, or written for by processe from *Sehedula Pipe*, by the Treasurors Remembrancer as aforesaid.

Rolls

Rolls of the Wardrobe and Coffers

HE hath likewiſe a ſpeciall Roll for the Wardrobe and Coffers accounts together, called *Magna Guardrobe Roll*, and the cofferers Roll, into which theiraccounts are ingroſſed, and the debts in the ſame are Conveied over as afore into the great Roll, ſave that the Cofferers yearly Remaine ſtandeth ſtill into his next years accounts do paſſe to be examined and Charged, and ſo is ſtill on from yeare to yeare.

Rotulus examinatus

HE is an Officer that maketh a yearly account in his Office of all the Ancient Revenues in the Exchequer that was there before the uniting of the late Court of augmentations and the firſt fruit and Tenthes to the ſame.

He

He putteth in Charge yearly into his Book called the great Roll, all Sheriffs accounts Escheators accounts, Bayliffs accounts, and men of certaine Townes accounts that are called to account by the Treasurors Remembrancer.

He maketh therein the Charge of the said accounts for the Counties, Cities, and Townes of the Realme, as they be and lie in the order of letters by the Alphabet, and so the first Pipe thereof beginneth with the Charge of the Sheriffs of *Bedford*, and *Buckingham*, and Townes as it falleth out by order of the letter.

He maketh the first Charge of every Sheriffe to be his vicommells, which be under the second titles *Post tras dat. et Profic: comitat:* as they call them. The first whereof seemeth to be lands and Tenements in the Conquerors hands after he had given away asmuch as pleased him at his Entrie. The second seemes to be those lands, tenements, Rents, services, and profits which came to the Crowne afterwards by Attainders. Forfeitures, and seizures, most of which where they be, are not known to the Sheriffs

of

of the Realme, but yet many of them are gathered up in rents by their Bayliffs, as knowne to them by tradition and ſucceſſion and ſo are either payed or made up by them to ſo much as he is charged with yearly in the Pipe.

Farme Rents and ſervices.

HE after this, doth Charge him with the Fee farme Rents and ſervices of the ſhire, but are reſerved there, and drawne downe into the great Roll out of the yearly originall of the Chancerie ſtreated as afore into the Treaſurors *Remembrancers* office, which Clerk of the Pipes Secondarie is bound from time to time, and from *Roll* to *Roll* to peruſe, and finding in the ſame any yearly *Revenue*, *Reſervation*, profit, *Remainder* or *Revertions* reſerved to the Crowne, he draweth them downe into the great *Roll*, and maketh Charge thereof in the Shire where they be, ſo as ever after where they be payable, they be yearly ſummoned

moned out before by the Controller of the Pipe to the Sheriff of that Countie. And all the ſaid *Remaines* and *Reverſions*, are conveyed into the *Roll* of the *Reverſions*, that is another Book in the Pipe, and made from time to time, that when any of them do revert again into the Crowne, are to be put into *Schedula Pi.* that is mentioned, before the Treaſurors *Remembrancer* make out the Writ of *Reverſion* to enquire thereof; and to ſeize the ſame.

Oblata or old Debts

HE maketh *oblata* the next title of the Charge of the Sheriff, with the old debts brought as it were together from precedent yeares, and be written from other *Rolls* to the Sheriffs of that yeare, and after that title, he ſetteth to his Charge *Nova oblata*, which be as it were new debts brought together, and drawne downe from Cuſtomers accounts, or Eſcheators accounts, or recovered and ſet downe from ſome one of the *Remembrancers*

brancers ſides, or other *Records* or grounds of the Court, and have their names belike of *Oblata* upon the ſame that are ſo brought together.

He after the forraine Oppoſer hath made up the ſcroule, and ſumme of the greene wax of every Sheriff in the ſeverall titles the ſame doth ariſe, and it is delivered into the Pipe, doth make up the next Charge of the Sheriff *Viridi Cera*, which riſeth out of the ſtreats of the Fines, iſſues, and Amerciaments that came from the Kings Bench, the Common pleas, the Juſtice of the Peace, the King, or Treaſurors Remembrancers ſide.

He ſtraight after this, doth Charge every Sheriff with his Caſualties, which are all manner of Debts of Caſualties, and Releifes, Fines, Amerciaments upon the Sheriffs, debts recovered and ſuch like as are drawne downe either from anie Record of anie of the Remembrancers of the Eſchequer, or from anie other ground, matter or ſeizure of the Court, and be ſo brought together.

And the Sheriff Anſwereth as he hath Cauſe to every ſumme, *viz.* ſuch a ſumme within

within liberties, and ſheweth whoſe they be Then the forraine Oppoſer ſetteth againſt that ſumme, the name of the Owner of the liberties, and if he have the ſame in Claime by Ancient Preſident either knowne or certified to the forraine Oppoſor out of the Pipe, he giveth the Bayliffs of the liberties allowance thereof, and maketh *Clamen* in the margent in the originall Record againſt the ſumme, otherwiſe he maketh ſpeciall *tot.* againſt the ſame ſumme thus : or or : in which pricks, and by which pricks of uſe, he knoweth whoſe liberties the ſame pricks do meane, Then the Sheriff going on, and ſaying to another ſum *tot.* the forraine Oppoſor marketh it in the margent in the originall thus without pricks, and ſo that is a Charge to the Sheriff onely And after the Sheriff ſaying to another *Summa nihil*, the forraine oppoſor doth marke alſo againſt the *Summa* in the Margent in *Rottulo.* 21, or 13 as the Streate is of the yeare of the King whereof the oppoſall is, and he goeth through that originall record, his whole libertie of the reſt of the Sheriffs greene wax ſtreated unto him, and marketh every ſumme in ſuch wiſe as before.

He

He afterwards maketh the Sheriffs ſcroule in parchment of all the totalls, with pricks, & caſteth up the ſeverall totall ſums if they be in ſeverall natures, & where any Δ' with pricks is within any ſuch totall ſums, as for example, *A. B. Vicecom. pred- oneratur minit. exitus* twenty pounds to pull off the 'Δ, with pricks from the Sheriff, he ſaith immediatly after, that totall *Summa C. quibus C. D. hall. libertat. C. F. venit per G. H. Attorn. ſuum et V. inde* 5l. *et ſic debit*, fifteen pounds, and ſo every Bayliff from the ſaid ſcroule is charged in the great Roll, with the 'Δ, with pricks where it concerns, and the other without pricks is charged in the ſame Roll to the Sheriff himſelfe only.

He ſaith that he leaveth the *Nihils* that be marked in the Margent of the Originall Record in *Rotulo* 12. or 13. as aforeſayd, for the Clarke of the *Nihils* to write out by his ſayd markes in R, when they be delivered againe into the Clerke of the Streats Office.

He alloweth to the Sheriffs the Juſtices of Peace wages of his Shire out of the Fines and Forfeitures before the Juſtices of the

peace thereof if the Streat will bear them, layed out before the Sheriffs for the Justices wages, according to the Statute, of the which allowance, and of the particular names of the Justices, the sayd forraigne oppoſer doth deliver a Roll into the Pipe for the Clarke of the Pipes Warrant to allow the ſame wages to the Sheriff.

Clarke of the Streats.

HIS the Officer that receiveth yearely out of the Treaſurers Remembrancers Office, all the Streats of the Kings Bench, the Common pleas, the Juſtices of Aſſize, the Juſtices of the Peace, the Kings Remembrancers ſide, his hand from time to time made in the ſayd Roll of the Streats, there teſtifying the receiving of the ſame.

He writeth out yearely all the ſayd Streats to every Sheriff of *England*, as they in every ſhire at the two *Liberates* of the Exchequer, that be every *Hillary* Terme and *Trinity* Term, for to levy and to anſwer all the ſumms of the ſame.

Hee maketh Schedules in parchment under

der his hand agreeable with his Streats, ſent out as before with the ſumms of the ſame truly totalled, when any Sheriff will make petition to be diſcharged of any ſum in the ſame by good matter offered.

The Auditors of the Preſts

BE they that take the old great accounts of the Exchequer, as *Ireland, Barwick*, the Mynt, the Loan, the Wars, the Ships, the Proviſions, the Hamper, the Ordnance the Clerk of the Works, and ſuch like remembred before, who now declared the ſame before the Lord Treaſurer, the Chancellor and under Treaſurer only, and be never entred in the Court of Exchequer, nor examined nor written upon there as they had wont to be.

That upon many years ſo moving out, and writing proceſſe forth, found meerly deſperate and illeviable upon the parties, that owe them, either alive or being dead, upon their heirs, Executors, Adminiſtrators, their Goods, Chattells, Lands, Tenements, or Ter-Tenants, which deſperate debts of

theirs that be alive, be by and by conveyed back again into the great Roll, and ſummoned out of the Chancery, afterwards to be ſufficient to anſwer either the whole, or ſome part of the debt.

They have other ſpeciall Authorityes, Aſſigments, and matters appointed to this Office, by the Articles of the uniting of the late Court of Augmentations to the Exchequer, which are referred thither for breifneſſe, and for more certainty at large of the ſame.

Remembrancer of the firſt Fruits and Tenths.

HAth his Office wholy eſtabliſhed by Articles of the unyting of the late Court of the firſt Fruits and Tenths, unto the Exchequer, and by a late decree of our Court, concerning the altering thereof from the firſt erection, which for breifneſs here are referred over to the ſame.

The

The Comptroller of the Pipe.

IS an Office that was first devised to keep a Controll of the Pipe, that should write and keep every year a like great Roll in every matter of charge and discharge, as the Clark of the pipe doth, and should lay every Lent such a one, as well as he, but (as I learn) no such Roll hath been made up by him for many years, and yet (as I hear) he writeth yearly now all the pipes of the great Roll, the Clerk of the Pipe doth keep, but he doth not yearly make them up into a great Roll.

He only writeth out twice a year the two summons of every shire of the Realm *viz.* his first sumuons every *Hillary* term, where in he writeth only the Sheriffs *Vicondeles*, his fee farmes, and sometimes his *Oblata*, and likewise the second summons every *Trinity* Terme, wherein hee wriseth his *Nova oblata*, and casualties, and so upon the oppoſalls of every Sheriff, he may if

he list see how every of them do *O. Ni.* or *rot.* every Terme of the same.

The Clerk of the Pleas.

IS the Officer in whose Office, all the Offices in the Court of the Exchequer, their Clerks and servants, all the Kings Majesties Tenants and Farmers of any of his Lands, and Tenements, and all manner of accountants of the Court of the Exchequer, during the time of their bar, so should be sued in, or may implead another, or any stranger in any Action upon the case, or of trespass, debt, *De Ejectione firmæ*, of *Detinue*, or such like, as are sued in the Kings Bench,

He hath every suit prosecuted in his Office between party and party, that is removed out of any Court at *Westminster* by the red book, or out of any Court of Record elsewhere in *England*, by any Writ of priviledge for any of the said persons that are priviledged as before to sue and to be sued only there in the said actions, and no where else, if they will in time claim and sue their priviledge. He

He in his Office bringeth all matters to an end, and either upon *Nihil dicit* or by Demurrers argued, or by verdict tryed in Court or by *Niſi prius* at the *Guild Hall* in *London*, or at the Aſſizes in the County before the Juſtices of Aſſize, and ſo by the Judgment given upon every of the ſame, whereupon the party with whom Judgement is given for his Execution, hath againſt the party condemned a *Capias*, an *Alias*, or *Plures*, and *Fieri facias*.

The Forraigne Appoſer

IS an Officer to whom all Sheriffs after they are appoſed of their ſummes out of the Pipe, do repair to be appoſed by him of their green wax, who appointeth them a day certein for the ſame, and ſo the Sheriff payes for the Clark of the ſtreats againſt that day to bring to *Weſtminſter*, the Originall Bookes and Records of their greene Wax.

He at the day of the ſayd appoſall appointed, taketh the Sheriffs ſtreats, and cauſeth his Clark to look upon it, and he him-

ſelf readeth the Origin all Record, and appoſeth the Sheriff, what he ſaith to every ſumm therein, and the Clark ſeeth the Sheriffs ſtreats, if the Originall do agree with the Wax.

The Kings Attorney Generall.

HE is made privy to all the Anſwers put in upon the ſayd nformations, and either demurreth thereupon, or replyeth as he will, to bring the matter to an iſſue, and at his pleaſure to the King, all advantages of pleading, given to his highneſs by the Defendant, and ſometimes preſſeth the Court to hold and keep ſtill the ſame, and otherwiſe he yeildeth and ſuffereth the party to amend his plea, anſwer, and Rejoynder, and ſo proceedeth to the joyning of an iſſue.

He is made privy to all Replications drawn from the Kings ſide, and altereth and amendeth the ſame after his own liking and ſo is he likewiſe to the partyes Rejoynder

der againſt the King, and either confeſſeth the plea, or the party Defendant, upon the ſame, either ſuffereth it to come to a tryall by Jury at the Bar, or by *Niſi prius* in *London*, or in the County where the matter lyeth, and ſo come all matters of plea to judgment, and an end, either upon the Kings Attorneyes confeſſion, or by tryall of Verdict, or by Demurrer, or by Judgement of the Court alone, or upon a *Nihil dicit* by the Kings Attorney.

He in ſome caſes will not confeſs the plea for the party riſing upon the proceſſe of the Court, though it were reaſonable he ſhould without the Kings Majeſties Warrant, as when the party ſhould have his Right by way of Petition to the Prince, or that there is ſome Colour for him though not evident Right to ſtand againſt the party for the Prince, and ſo refers him to the Court.

He maintaineth his Informations, Replications, the Kings Right and proceſs of the Court, againſt all Counſellors, ſollicitors and Witneſſes at the Bar, both in the Court, and in the Exchequer Chamber for the party, and upon the opening and avowing

vowing of the Law, he either offereth the Defendant an iſſue, or to demur in Law with him upon the point, and ſo prayeth the Court he may do, and that the party may be inforced according to the Law to joyn iſſue, or demur in Law with the Defendant as he thinketh will ſerve beſt for the Kings Title.

He oftentimes, when the iſſue upon the Plea comes to tryall by the Jury, and that they are ſuſpected, or ſeem laboured doth ſometimes by exception quaſh the whole Jury, or ſo many of them as the matter cannot proceed to tryall, and ſometimes fearing the partiality of the whole pannell and ſuborned Witneſſes, he bringeth the matter to a Demurrer in Law upon the opening of the Evidence, and ſo ſaveth the Kings caſe politickly.

He deviſeth all the Aſſurances the Kings Majeſty hath of any Lands and Tenements either ſold to his Highneſs for any debt, or aſſured unto his Majeſty for any debt to be payd at dayes, or elſe to be forfeited, which Indentures, Deeds, Fines, Recoveries, and other ſuch Writings, he delivereth now into the Kings Remembrancers Office that

were

were wont to be kept in the Treasury to be put in charge before the Auditors of the Counties, where the same Lands and Tenements do lye according to the assurance.

He suffereth sometimes the Informers upon popular Actions, to put in their Information in their own name, when it is better the party Defendant be so prosecuted, or that he is of some sort an acquaintance, and so more meet that way to be sued.

He commandeth all the Remembrancers that, there be no proceedings in certain matters depending in their Office, when he thinketh it best for the King, and Copies and Books to be made thereof, both for the judges, the Barons, and the Kings learned Counsell, as the case shall fall out.

He suffereth sometimes the Demurrers for the King to be argued, by other learned Counsell, then the King retains by the party that followeth the Kings suit or his Tenant, or for his commodity, or for some other respect,

He suffereth so the partyes sometimes that folow the suite for the King, to bring other

other Counsell to the Bar then the Kings, to open, plead, and defend the Kings Title when he is in Court, and guideth them for the King.

He maketh Warrants to all the Remembrancers to make all manner of Commissions, Processe, writs and Injunctions, as the Lord Treasurer, the Chancellor, the Vice-Treasurer, and the Lord Cheife Baron doth.

He, when he understandeth, or is complained unto, that any stay, lingring, or *Supersedeas* is of any processe or execution for the King, doth call straight upon the Officers where it lyeth, and asketh why such a processe or matter stayeth, and being informed of the cause, and it is by the Lord Treasurers, Master Chancellor, Vice-Treasurer, or the Courts order, he saith, stay them for a time, and I will move in it, but otherwise the matter proceedeth by his order with all expedition.

He very seldom, or never of himself stayeth any process matter or cause of the King but being moved thereof by the cheif Officers of the Court, he will seem for a time content, and leaveth the same to their order,

der, yet he is content to give all ſuitors dayes to appear to ſhew their *Rights*, and bring in their Anſwers, Rejoynders, Writings, Evidences, and Patents.

He with the Lord cheife Baron and the Court *Pro miſis parcendis*, doth ſet Fines for Compoſitions upon any Information depending in the Court by any ſpeciall Statute, and thereupon the partie defendant is diſcharged, and the record made up to ſhew how he hath Compounded, And ſo is drawne and ſet downe from the Roll of the Kings Remembrancers ſide and is charged and diſcharged in the Pipe as is aforeſaid.

He certifieth into the Clerke of the Streate office yearly in the Exchequer, all the Kings moities recovered, and fines for Impoſitions made in the Kings Bench upon all penall ſummes or penall Statutes, and pay the ſame yearly into the Receipt by taile, and being ſet downe into the Pipe by the Clerke of the Streate, he hath his *Quietus eſt*, for the ſame

The

The Kings Sollicitor

SItteth next to the Kings Attorney in place, & sometimes Answereth the Barr, or the Court on the Kings behalfe, both in the absence of the Kings Attorney, and when he is present, but otherwise he medleth not any way with the Kings Attorneys office.

He ceusidereth with the Kings Attorney all the Kings Majesties hard and doubtfull cases depending in Court, and sheweth his opinion of the same both in Court and out of Court in the Exchequer Chamber.

He waiteth on the Judges to know when they shall be able to Attend the Kings Causes that he and the Kings Attorney hath for matters depending in the Exchequer to informe them of, and both giveth every of them the case, and the Copies of all Books and Presidents concerning the same.

He argueth before the Kings Attorney all the Demurres that be in the Court for the

the King, and ſometimes alone without the Attorney with other learned Councell out of the Kings fee, that are retained with him on the Kings ſide by the partie that followeth the ſuite for the King.

The Auditors of the Exchequer

BE they, That before the late united Courts to the Exchequer, did take and make all the accounts of the Ancient Revenue there, and now they take alſo the accounts of the receivers of the late Augmentation Revenue, as was allotted to every of them at the firſt coming thereof into one Court, and of the Miniſters of the ſame.

They never take accounts of any Sheriff, Eſcheator, cuſtomer, Collector of Subſidies, or Fifteens, or the cofferers accounts, but by Aſſignement in open Court by the Marſhall, and ſo entred in his Book, to the intent no accomptant ſhall ſeeke an Auditor of his Choice.

They

They waite on ſome of the three younger Barons with every ſuch account when it is ingroſſed who examineth the particulars, and the totalls of the ſame, and ſeeth if then the ſame account be ſtraight and true, and then it is ſet upon the head of ſuch Account examined, to know by whom it paſſed thus, or as it falleth out indeed.

A B: Auditor
C D: Clericus

AND ſo it is deliveered by the Baron or Auditor firſt into the Kings Remembrancers Office, and ſo from time to time to the Lord Treaſurors Remembrancers Office and ſo from him to the Clerke of the Pipes Office to be entred as aforeſaid in the Roll as it ſhould be after his nature as aforeſaid.

They caſt out all Sheriffs in open Court, *viz.* two or three of them lay the ſummes and charge of their accounts as they be read to them in open Court by the Clerke

of the Pipe, and then they allow out of the ſame, their Annuall Deductions, and ſuch petitions as they make and be, read them in ſummes in open Court, and ſo try them either *Æque*, or ſurpluſage, and if both or all the Auditors caſting doe agree, then be the Sheriffs delivered out of the Court by Proclamation of ſome one of the Uſhers.

They ride every *Michaelmas* Terme to their *Audite*, kept at the Kings Court in every ſhire as they are allotted eſpecially unto them, where they take the Miniſters accounts of the late Augumentation Revenue, at places certaine appointed before by their precept, and ſent out to the Bayliffs, Reeves, Collectors, *&c.* and there by order from my Lord Treaſuror, Maſter Chancellour, and the Vice-treaſuror, they have Authoritie to give certaine Allowances of reparations not exceeding the ſumme of where the king is not bound thereunto, and to do the ordinary things of their *Audit.*

They make a breife declaration of every of their Receivers accounts every Lent before my Lord Treaſuror, maſter Chancel-

four, and Vice-treasurer, and shew their last yeares Arrerages, and what every of them have payed in liverie money as in debt upon the same. He is then ordered to pay into the Receipt according to the Statute upon the determination of his accounts, or is respited by the said cheife Officers, as they see cause for the same.

The Receivers

BE onely of the late Augumentation Revenue united of late unto the Exchequer who receive by Statute of all tenements the Rents reserved upon any the said late lands and likewise the Rents of the Farmers and all such moneys as the Collectors, Reeves, Bayliffs, Ministers of the said Revenue, do gather up within their *Schedule* receits as either payable halfe yearly or found due upon account.

They pay all Pentions within every of their receits, and are bound to pay all their money found due upon the determination of their accounts according to the Statutes in that behalfe made, or they forfeit their office

office, and they and their Sureties are extended besides.

The Surveyours

BE onely of the said Augmentation Revenues, and now are commonly put into Commission for the king that go into these Shires where their Offices do lie, and besides, are ordinarily appointed (if they have any skill) to survey such Mannors lands, and Tenements, as the Court hath occasion, and doth think meete from time to time for any cause to be surveyed.

The Attorneys and Clerks of the Kings Remembrancers Office.

ALL those that are commonly retained by the parties in all suits and matters of the Office to appeare and Answer

the Court for them and to follow all things in Court belonging thereto, but yet in such order, that according to their Oath they do nothing uncomely, or secretly, in perjudice of the kings Majesties right, and title. but that which is orderly, usuall, and justifiable in open Court, and besides every of them doth from time to time that which belongeth to his place and senioritie in the Office aforesaid.

The Attorneys and Clerks of the Pipe

HAve assigned unto them and every of them speciall, certaine Shires of the Realme by the order of their Office, according to every of their Seniorities, to the which every of them are toward, and likewise to all the Accomptants of their owne Shires, and to every matter in the same, whereby one of them medleth not with anothers Shires but every one of them are retained for the Clyents discharge and to bring every of them his *Quietus est*, but yet

yet as he doth nothing uncomely or untruly to hinder the Kings right, and then beſides, every of them doth in the Office what to his place Anciently appertaineth.

The Attorneys and Clarkes of the Clarks of the Pleas Office

BE they that be retained betweene partie and partie in all ſuits commenced or depending there, who are in all orderly wiſe to follow their Clyents Cauſes, and to make their Pleas, Anſwers, Replications, and Rejoynders upon the ſame for learned Councell to Conſider, and to do nothing therein but what is lawfull, comely and uſuall in the Court, and every of them doth beſides that as belongeth to their place in the ſame Office.

The joyners of the tallies

BE the second Deputies of the Chamberlaines for that purpose, and are sworne at their Admittance to serve truly, who from time to time receive out of the receit the Foiles of all Tallies stricken there for any manner of person, and file them straight upon a string, which so filed, are kept under both their keys in their Chests, and when anie man bringeth any stock of those to be joyned that must be first done, ere they can be allowed in the Pipe.

The said two Joyners seek straight out the file of the same where it is filed; and taking it off, do see if the stock and the file do agree in hand, letter, and joyning, and be without suspition, and then do they prick them both usually with such markes with their marking Iron, as usually sheweth the stock to be joyned then with the same tallie, and the day of the joyning thereof is entred in a Book with the letter and summe thereof, and afterwards that tallie ie filed anew in the Terme, that it is joyned and so kept,

kept, And then one of the ſaid two Joyners delivereth over the ſtock that is joyned into the Office of the Pipe, and that partie never handleth it after, and ſo it cometh to allowance.

The two parcell makers

BE the Officers that gather out, and make the parcells of all the Eſcheators accounts and be appointed to receive under their hands out of the Treaſurors Remembrancers office ſett downe in the Roll of Streats there, all Tranſcripts of Offices ſent yearly thither out of the Chancerie that be found by anie Eſcheator through the Realme,

Then they are to make the parcells of any Eſcheators accounts in any ſhire, they do call for the precedent account of the Eſcheator that was the yeare before of that Shire, out of which they gather firſt the parcells *Veterum Eſcaetarum*, that were in the ſaid laſt yeares account, and continued ſtill undiſcharged, and ſet them downe in long Rolls of parchment of fullneſs of letter,

yearly value, tenure, and ſtate, as they be in the precedent account, and came from the Office out of which they were drawne firſt, then they gather the parcells of the new Eſcheators owne Offices he found in his time, and ſet them downe in the ſame Roll in like fullneſſe of letter, yearly value, tenure, and State, as they appeare in the ſame offices, which roll is intituled thus, Particular account *A. B. Eſcaetor Com. Canc. & Middleſex &c.* from ſuch a day *&c.* And then in the margent of the Roll where the parcells do begin, there is *Veterum Eſcaetorum*, and ſo be theſe parcells ſtill Conveied downe, and being ended, then is ſett in the margent of the Roll againe *Nova Eſcaet.* againſt the firſt parcell, beginning with, going downe, and ended, there is ſett in the margent of the ſame roll, *Ter. & tenem. & catal. attinct. utlegat. felon. & fugitivors.* whereof the parcells be conveied if there be any, but commonly is ſet againſt that title eleven pound and they be *Veter. Eſcaet. & nova Eſcaet:* totalled up by themſelves by the parcell-makers, which be the whole Charge of the Eſcheator, And they delivered thoſe parcells

cells ſo ſummed up to the Auditor to whome ſuch Eſcheator is aſſigned, and by the Marſhall; and he *Verbatim*, accordingly doth ingroſſe up his account, which paſſeth further on in the Court, as before is declared.

The Clerk of the Nichills:

IS the Officer that repaireth to the Clerk of the Eſtreate every year, and ſeeth what Nihills be marked in *Rottulo*, in the whole *Liberate*, of the greene wax ſent out that year, which N hills be iſſues, that the Sheriff that is appoſed doth ſay be nothing worth, and illeviable for the inſufficiencie of the parties that ſhould pay them, whereupon the Clerk of the Nihills doth write them out in a roll of parchment, and ſetteth them in the Court where they lie, and under the titles of thoſe Streats from whence they come, and where they are marked as afore in *Rottulo*, which Roll he delivereth into the Treaſurors Remembrancers office, and upon

upon the ſame there be ſo many *Fieri fac.* inrolled againſt ſuch Sheriffs as have their iſſues marked in *Rotulo*, and Nihills which they returned, to know why they ſhould not Anſwer the kings Majeſties the ſame Nihills which they did returne for good iſſues, and leviable upon the parties on whoſe head they were ſet, which Sheriffs ſo ſummoned, muſt either come in and juſtifie them leviable, and prove them, and then he that Nihill'd them, or elſe the Sheriff that cannot ſo juſtifie them, muſt pay the ſame himſelfe, whereby it appeareth, the Court and lawe provideth, that the Kings Majeſtie ſhall looſe nothing that he hath right to.

The Seale of the Court

IS the Officer that keepeth the Seale of the Court all terme time under every Chanceller, and is bound to Attend and ſeale all proceſſe, Commiſſions, Injunctions, Exemplifications, and writts whatſoever, that

that be brought to him in Court, or out of Court, from any of the Officers that have Authoritie to make the ſame (except he have contrary Commandement, or his maſters, or ſome of the cheiſe Officers of the Court do make ſtay ſometimes of ſome of them for ſome ſpeciall matter thought meete and expedient) who in many caſes hath Fees for ſundrie of them whem they be ſealed for the partie, and not for the King, but upon allowance at the liberate.

The Cheiſe Uſher

IS he that by inheritance hath the keeping of the Court, the Exchequer Chamber, and the howſe with all the Appertenance where the Court dines, when they ſit about the Kings buſineſſe, who maketh proviſion for all the neceſſaries both of the Exchequer and of the receit, and hath allowance at every liberate thereof againe, and ſeeth to all places of the Court, that all doores, cheſts, Records, and things be in ſafty from fire, water, or ſpoile, and giveth knowledge of

of them accordingly, and as it needs, and hath the overſight of the reſidue of the Uſhers, and the ſix ordinary Meſſengers of the Court, that they deliver truly from time to time to the Sheriffs and all others the Kings proceſſe, and bring the Sheriffs Bills ſubſcribed from time to time for the receit of the ſame, which he doth exammine by his Book that he keepeth of the liberate of all the Kings proceſſe every terme, wherein is ſet and totalled up the number of writts and proceſſe that goeth out every tarme, and to what Sheriff they be ſent, and out of what Office in the Court.

The Marſhall of the Court

IS an Officer to whome the Court Commits ſometime the Cuſtodie of ſuch a one as they will not for the time ſend to the Fleete and yet is thought meete in that wiſe for ſome Cauſe to be Committed.

He aſſigneth in open Court, all Sheriffs, Eſcheators, Cuſtomers, Collectors of Subſidies

ſidies and Fifteens, and ſuch like Accountants when they have taken their oath to the Auditor, before whom every of them ſhall account, whereof he keepeth an ordinary book, and deviſeth ſo by the Court that the Accountants ſhould never chooſe his own Auditor, to practiſe or help himſelf by it.

He receiveth all Offices that Eſcheators do find (*Virtute Officij*) and delivereth them in Court whereof he ſhould keep a Book, and ſo deliver the Originall into the Treaſurers Remembrancers Office to be delivered by the Roll of Streats, there to the parcell makers to charge the ſame in ſuch Eſcheators parcells when he cometh in to account.

The foure Ordinary Uſhers

BE ſuch as with their ſtick, attend upon the cheif Officers and Barons of the Court, at their coming to, or their going from *Weſtminſter*, and call all Juries, and all perſons appointed them in open Court, and fetch them; they are appointed out of Court,

Court, and use to make in open Court, all noises, silence, and proclamations, calling of witnesses, returns, and of all cacountants, both at and after their dayes of prefixion, and times appointed them by Law, and the course of the Court, and to do all other things that are commanded.

The Praysors of the Court

BE certain Officers of late made first by Sir *John Bacon*, when he was Under-Treasurer, without fee of the Prince, and they praise all Wares and Merchandize, that information is put against in the Exchequer, as seised here in the Port of *London*, or in any other Ports of the Realme, as Custome and Subsidie thereof not payd, which Praisors of old time were chosen here of Merchants of the City, as it fel out, and as they were taken up by the Sheriff to prize the said Wares, whereof they had skill, and now by the use of time, the sayd standing Praysors, that are appointed by the Vice Treasurer to be certain, have a certain small fee a peice, of and upon every appraisement. *The*

The four Tellers of the Receipt

ARe Officers of the Receit, that receive to the Kings Majeſties uſe, all monyes payd in there, and do make new dated parchment bills, under their hands with ſuch Counties names, letters, words, and ſumm in the ſame Bills, as ſerves breifly to make it to appear for what cauſe, and by whom, every ſuch ſum of mony to them is payd, and many yeares ſince they were in the Receit, *Ponderatores*, and *Fuſores*, at which time it ſeemeth the mony was ſo wel kept, that the tale fell out even with the waights, and *Fuſores* were then melters of the mony, to make aſſay of it into the Ballance, that it might be weighed.

Theſe now deliver their parchment Bills to the party that payeth the mony, but caſt the ſame down out of the Office by a hole made for that purpoſe, upon the Boord of the Receipt, whither the party repaireth, and prayeth a Tally to be ſtricken for him according

according to his Bill cast down, which Bills heretofore were oftentimes carried away by the parties that thought the same only a sufficient discharge for their mony, and were yet afterwards much vexed for the same with proces.

They may receive all mens mony that are to pay any into the Receit, save the generall Receivers, and the Bishops Collectors mony, who are assigned to each of them specially by name, that their payments and arrerages may even appear at the eye, because they use much to be behind hand, and are for the Non-payments to be charged by the Statute. They cannot now pay any mony for fees, or upon any privy seal or Warrant, without a Debenter first sent from the Auditor of the Receipt, whereby is known still most certainly what mony is payd, and what remains in every of their hands from time to time.

They keep every of them a rough booke of every days receipts, as they fall out in every kind of payment made unto them, and they title their sayd bookes into half years receits, as thus, *Michaelmas* receit to *Easter*

ſter, and *Paſch.* Receipt, for all monies payd from *Eaſter* to *Michaelmas*, and their weekly Certificates by the ſame to the Lord Treaſurer and others, as they are commanded, what every of them hath received.

They make every half year out of this their rough book, a fair paper book of every of their ſaid halfe years receits, and from their rough books they do ſort out in the ſame, all Receits of Revenues together, which be of payments only of ancient Revenue of the Exchequer, and of the late Augmentation Court, and not of any mony granted the Crown by Parliament.

Then next to the Revenue, they ſort in the ſame fair book all Receits of mony granted to the Crown by Act of Parliament, or of Subſidies of the late Subſidies of the Clergy, the fifteens, the yearly Tenths of the Clergy *&c.* and title every of them after their Nature, and as they fall out by the firſt and ſecond payment, and in this fair book, every of them doth ſum up very perfectly all the ſaid ſeverall kinds of Receits, and doth totall up thereupon their whole years receit with the remain-

der in their hands of their laſt halfe years accounts before.

By which fair book every of them do make their count books, they deliver half yearly to the Auditor of the receit to take their accounts which Counter books be of whole skins of parchment written on both ſides, and on the top of the firſt skin thereof, is ſet as it were *Comp. A. B. Term. Michaelis octavo Regis Jacobi finium ad nonum incipiente tempore C. Domini Theſauri Angliæ.* Then is there a great down right line, and drawn in the midſt of every the ſayd skins on the left hand of every ſuch line, which receits and payments be never totalled up by the Tellers, but are left to their auditors to do, who caſteth up the totall of their Receits, with their ſayd laſt half years Remainder, ſo maketh their full charge, and then doth he totall up their payments in the other ſide, and in the end doth make clear remain of that half years accounts.

The Clerk of the Pelle.

IS called by the ancient Records (as I learn) *Clericus Dm. Thesauri*, who keepeth the Pell in parchment called *Pellis Recepti*, wherein he entreth every Tellers said parchment Bill with his name on it, and writeth under every such parchment Bill that is entred *Recordatur*, which first Entry (as I learn) now is made in a paper book, and hath been begun but of late days to keep the Pelle fair, and from razing as they say, when men are forced a little to mend the Letter of their Tallyes, but even before the first Entry of every Tellers Bill was made in the Pell it self in Parchment, and done in open Court, and so it is now afterwards ingrossed up by the sayd book at leisure.

He also in old time kept the parcell of issues in parchment, which were called, *Pellis Exitus*, wherein was entred every dayes issuing of any of the sayd monyes, and by whom, what Warrant, Privy seal, or Bill it was payed, which of late was received

ceived to be kept by him in the old Treasurers time, and thought then very necessary, but now since (as I learn) it is layd down again, as thought not so necessary, the Receipt being ordered as it is at this day.

The Cutter of the Tallyes.

IS the Officer that provideth a seasoned and proportionable hasell for the Tallies, and cutteth the same to fit length for the purpose, and doth somewhat thwite every stick thereof into four square sides, that they may be better cloven and written upon, and he casteth them into the Court from time to time, when any of them be called for, and receiveth his fee of the party that sueth it out.

The Comptrollers of the Pell

BE the two Chamberlains Clarks that should either of them keep a Controlment of the Pell, and make forth in onp Court

Court, like entries of every Tellers bill into like Pells of Parchment, as the Clark of the Pell doth, and that *Verbatim*, which now here be ſometimes kept, and ſometimes not, the fees thereof are ſo ſmall, and the Pell by proceſſe of time is grown ſo great, that no man would willingly Write the Controllment for the fee.

They were wont alſo in ancient time, either of them to keep a like controllment of the ſayd Pell of Iſſues, and to make both theirs *Verbatim*, agreeing with the Pell of iſſues as afore, kept by the Clark of the Pell, which theſe many years was not kept by them.

The Auditor of the Receipt.

IS the Officer that taketh up ſtraight every Tellers Bill after it is marked *Recordatur*, by the Clark of the Pell, and entred by the controllers of the Pell likewiſe, and ſyleth it ſtraight upon a ſyle, then his Clark called *Scriptor Talliar. & contratalliarum*

liarum, for whom his Maſter hath a fee, writeth double upon every Tally the whole Letter of the Tellers, that where it is cloven, both the Tally and the ſtock thereof may have like Letter upon it, being dry, doth deliver the ſame ſecond to the under Chamberlaines to cleave.

He the ſaid Auditor doth enter all the ſaid parchment bills again in a fair book that is to him as *Pellis Recepti*, and by thoſe ſame he doth ſee what monyes every Teller receiveth weekly, and of whom, and what every half year in his *Michaelmas* Receipt and his *Paſch.* Receipt, whereby he certifieth weekly to the Lord Treaſurer, and others as he is commanded, how all the mony of the Receipt particularly is payd, and received. By which certificate it is ſeen and examined, whether every of the Tellers Certificates weekly be true and juſtifiable.

He maketh now to every of the Tellers a Debentur, before any of them can pay any mony out of the receit, be it upon Fines, Privy Seal, or Warrants that they pay, which is to be made, and is very conſiderably done, that upon any reſtraint of payment

payment given by the Lord Treaſurer or his order, his Lordſhip may be ſure to have his Majeſties mony kept ſtill undefrayed, while the ſame be ſet again at Liberty,

He receiveth every of the Tellers Counter books in parchment, every half year, and taketh every of their accounts by the ſame, and cauſeth the Tellers to reform his Titles, and diviſions in them if they be not orderly and plain enough for their nature, and then doth he caſt up every of their ſaid parchment bills of the half year, their Counter book before, and ſeeth the total of them; after, he caſteth up the total of every of their Counter books to ſee if the totall of every of them doth agree with the total of their parchment bills, and ſo doth make up fair the totall ſumm of every of their Counter books, that be agreeable with their bills. and they that have any error be rejected, and examined while the ſame may be found and made to agree with their half years Bills, and thereupon are totalled up as the reſt. To which total, he caſteth every Tellers half years remain, and maketh his whole charge, and ſo allowing every of them their payments and deduc-

mains, he maketh every of their cleere rehalfe es upoln their Counter bookes for that ſo de year a ſo, as he had done before, and halfe clareth all the ſaid Counter bookes when yearly before my Lord Treaſuror,

He it is his pleaſure.

and t keepeth the black book of the Receit, ſury, he Lord Treaſurors key of the Trea- the both where the ancient leagues of the Realme, and all the Perambulations of Itin Forreſts, and the Records of Juſtice Boterant, and divers other Records do lie, old h in the old Court of wards, a nd in the *mi* Parliament houſe in the Cloiſte r at *Weſt-ou"iſter*, where no ſearch can be ma de with-lai t that key come, with both the Chamber-nes keyes thereof.

He doth (now of late) ſe every Tellers money locked, and ſealed up in the new Treaſurie, made for that purpoſe, when it is my Lord Treaſurers pleaſure, or order ſo to have it to be; aad keepeth or delivereth the key as he Commandeth.

The two under Chamberlains

BE both the Chamberlaines deputies for the Receit, and when the Tallies are written upon as before is declared unto them, one of them doth Cleeve the ſame even in the middeſt between the double letter of the Tallie mentioned before, and then the Cleever taking the ſtick, and the other foile, and the Clerk of the Pell and his controller the Book where the ſaid Tellers bills were recorded, the Cleever ſaith *Examinatur*, and readeth the ſtock aloud, and ſo his fellow The Clerk of the Pell and his two Comptrollers ſeeing the ſtock to agree with them all, the ſame is by and by delivered to the partie, and the foyle ſtraight caſt into the Chamberlaines Cheſt, where they keep all their foiles, together with their knives, and the Book of Doomeſday, while the Joyners fetch them away from time to time as they be occupied.

In which Cheſt alſo, be kept the keyes of the Treaſurie under three locks, whereof the

the auditor of the Receit hath one key, and the two Chamberlaines another key, and the Usher of the Receit that is in the Kings guift another key, who doth now attend by his deputie, and is to do all things there besides that, that other Ushers use to do, and keepeth the Receit as the Usher by Inheritance doth the Exchequer.

They make all searches in the Treasurie for any Record at the suite of the parties, and Exemplifications of the same, whereof the Fees are divided betweene them, and the keeper of my Lord Treasurors key as of long time hath beene accustomed.

The Fower ordinary Messengers of the Receit

BE the Pursevants only Attendant upon my Lord Treasuror to carry his Lordships letters and percepts to all the Customers, Controllers, and Searchers through *England*, and to ride and goe where it is his Lordships pleasure to Command.

The

The Articles of the late Court of Augmentations and Revenues of the Crowne annexed to the Court of Exchequer at *Weſtminſter*

The Lord Treaſuror.

1 FIrſt all Honers, lands, tenements, poſſeſſions, amd all other hereditaments which are within the ſurvey, rule, and order of the Augmentations of the Crowne, and the Arrerage, of the ſame, ſhall be received, leavied, and gathered form henceforth by the Sheriffs of every Shire and Countie within the Realme of *England*, where the ſaid Honers, Caſtles, Mannors, lands, Tenements & other hereditaments do lye, or by any other perſon or perſons that ſhall be appointed by the Lord Treaſurer and the Court thereafter, which

Receit

Receit the ſaid Sheriff of every countie, or other accountant ſo appointed, ſhall content and pay the Revenue thereof at the Receit of the Exchequer in manner and forme as hereafter ſhall be declared.

2 *Item*, the Revenues in wales, ſhall be yearly received by the Chamberlaine there, or by any other perſon or perſons that ſhall be appointed by the ſaid Lord Treaſuror and the Court as is aforeſaid, the ſame to pay at the receit aforeſaid, and to be bound by Recognizances for the payments thereof according to the direction of the Court.

3 *Item*, the ſaid Sheriffs or other accomptants to have a tallie of reward yearly according to the Rule of their ſeverall charges if it ſhalbe thought fit by the Lord Treaſuror, Chancellor, Chamberlaines, and Barons or by three of them whereof the Lord Treaſuror to be one.

4 *Item*, that every Sheriff of *England*, or other accomptant ſhal be charged with the Revenues aforeſaid in his account from *Michalmas*, to *Michelmas*, according to the Ancient lawes and Cuſtomes of the ſaid Exchequer.

5 *Item*,

5 *Item*, all ſuch ſummes of money as ſhalbe due at the Feaſts of the birth of our Lord, The annunciation of our Lady, or at the Feaſt of *Eaſter*, for the ſaid Revenues, with the Arrearage depending upon all former accounts, ſhall be charged in to the ſaid Sheriff, or other Accomptants in their views, and ſhall make the ſaid view before the Feaſt of the Aſcention of our Lord yearſly, and to pay all ſuch ſummes of money as ſhalbe found due upon the ſame before the Feaſt of Penticoſt then next enſueing, and where they be payable at *Penticoſt*, thoſe rents to be payed before the *Nativitie* of Saint John the Baptiſt then next following.

6. *Item*, if any former accomptant or debtor hath paid any ſummes of money at the receit aforeſaid, before the making of the view aforeſaid, that then the ſaid Sheriff or other accomptant ſhal be diſcharged by the payment thereof being of Record, without any further ſuite or Charge in the ſaid view of account.

7. *Item*, that all ſuch ſummes as ſhalbe due for the ſaid Revenue at the Feaſt of *Michaelmas* and *Saint Martin*, with the Arre-

Arrerages due upon all former accounts, ſhalbe paid at the receit of the Exchequer by the Sheriffs or other receivers, or accomptants (that is to ſay) as much as ſhalbe due at *Michaelmas*, before the Feaſt of the Nativitie of our Lord God, And aſmuch as ſhalbe due at *Saint Martin*, to be paid into the receit before the twentieth day of *February*, then next inſueing, or otherwiſe make declaration unto the ſaid Court of Exchequer of the payment thereof by vertue of ſufficient Warrant.

8. *Item*, that every Sheriff, and other Accomptant ſhall appeare to his account in his owne proper perſon, or by his ſufficient Deputie Authoriſed in writing under his hand and ſeale in Hillary Terme, and there to take an Oath according to an Ancient uſage of the ſaid Exchequer, and the ſame Warrant in writing to be delivered into the Treaſurors Remembrancers office and there ſhall be filed, and entred of record, without taking any Fee, or reward for the ſame.

9. *Item*, the ſaid Sheriff or other accomptant, or Accomptants, or his, or their lawfull Deputie or Attorney after his or their

Ap-

Appearances, to make their accounts for the ſaid Revenues before the twentie fourth of *February* then next after, and the Auditor taking the ſaid accounts ſhall deliver the ſame accounts ingroſſed in parchment Authoriſed and allowed by the hands ſubſcribed of the Lord Treaſuror, Chancellor, Vice-treaſuror, and Barons of the ſaid Exchequer, or by three of them at the leaſt, whereof the Lord Treaſuror or Vice-treaſuror to be one, And with the hand of the ſaid Auditor likewiſe ſubſcribed into the office of the Pipe within the ſaid Court of Exchequer before the twentieth day of *March*, then next following, as further proceſſe thereupon may be made if cauſe ſhall ſo require.

10. *Item*, that the Lord Treaſuror, Chancellor, Chamberlaines, Under-treaſuror, and Barons, or three of them whereof the Lord Treaſuror to be one, and in his abſence, the Under-treaſuror ſhall have full power and Authoritie by their diſcretions from time to time, to give Allowances aſwell to the Farmors and Accomptant for the yearly reparations and other Allowances, as alſo to every perſon and perſons that

that ſhalbe hereafter appointed by them or by the more part of them, for the doeing and executing of any proceſſe or other thing concerning the premiſſes.

11. *Item*, all Records of the ſaid Court of the Augmentations that doth concerne exemtion of any proceſſe for Indentures, Recognizances, obligations, and all records of Books of orders and decrees concerning the premiſſes, ſhall remaine in the Charge of the Kings Remembrancer of the ſaid Exchequer in ſuch place or places, as by the Lord Treaſuror and the Court ſhalbe from time to time appointed

12. *Item*, that all Commiſſions for woodſales, and Commiſſions for ſurvey of any part or parcell of the premiſſes, ſhall be made hereafter by the Treaſurors Remembrancer of the Exchequer.

13. *Item*, all records and Books of the ſaid Court of the Augmentations of the Inrollment of Leaſes, and the Counterpaines of the ſaid Leaſes and Warrants for making of the ſame, and all accompts that ſhall remaine in the ſaid Court concerning

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anie thing or matter within their old order and ſurvey of the ſame ſhall be and remaine in the Charge of the Clerke of the Pipe of the ſaid Exchequer in ſuch place as the ſaid Lord Treaſuror and Court ſhall award, ſo that proceſſe may be made upon them *Unde ſuperius*, as long as the caſe ſhal require.

14. *Item*, that all ſealed Evidences, Rentalls, Court rolls, and other writings and miniments whatſoever, touching the ſaid Revenues, be placed in the Treaſurie howſe that ſhalbe appointed for that purpoſe by the Lord Treaſurer and others the head Officers of that Court.

15. *Item*, Accounts to be taken every yeare and the Ingroſſments in forme as aforeſaid to remaine in the Charge of the Clerk of the Pipe in ſuch place as ſhall be appointed by the Lord Treaſuror and other the head Officers of that Court amongſt the Evidences and the records of the Revenue of the land, ſevered from the Ancient records of the Exchequer.

16. *Item*, that all Stewards of Leets and Courts, ſhall yearly double their Court Rolls in parchment, and certifie one part

thereof ſubſcribed with the hand of the Receivors before the Audit into the Court of Exchequer wherein ſhould be contained the Fines made among the Cuſtomary Tenements, the Heriotts, the Amerciaments, the woodſales, and other Caſualties with a declaration of needfull reparations preſented by the Homage making thereof a Streat to the Sheriffs of the Shire, or to ſuch other Accomptant, as ſhalbe appointed to the receit thereof as he may thereupon make his receit and payment upon the end of his account, and that noe reparations be made at any time but by Warrant from the Court under three of the Officers hands, whereof the Lord Treaſuror or Under-treaſuror to be one, And the other part of the double of the ſaid Court Rolls to remain in the Lordſhip, where the ſaid Courts be kept.

17. *Item*, no woodſales ſhall be made without a Commiſſion from my Lord Treaſuror, and two ſuch others of the Court as he ſhall call to have at that time and in his abſence the Under-treaſuror calling to him two of the ſaid Court.

18. *Item*, that noe Steward, Bayliff, or Woodward be admitted, but onely by the

Lord

Lord Treaſuror, Chancellor, and Chamberlaines, Vice-treaſuror, and Barons of the ſaid Exchequer, or three of them at the leaſt, whereof the Lord Treaſuror or Under-treaſuror to be one of the ſame Officers to paſſe under the Seale of the Exchequer by the Lord Treaſurors Aſſignement under his hand, and the ſame Bill or Bills to be made in the Office of the Pipe there to be entred of Record, filed, and kept, for the yearly Allowance of the Fees, wages, and rewards of any perſon or perſons, as hereafter ſhall be appointed to any of the ſaid Offices.

19. *Item*, the Accounts of Hamper, the Butlerage, the Staple of Callis, and the Revenues of the Courts there, the Priſes, the Mints, the great Guardrobe, the Cuſtomes of the Ports of *Cheſter*, *Barwick*, and *Callice*, to be yearly taken and ingroſſed by the Auditors of the ſaid Exchequer according to the Ancient lawes of the ſaid Court, and as heretofore they have beene accuſtomed before the Erection of the Court of ſurvey and Augmentation of the Revenue.

20. *Item*, where in times paſt there hath beene continually 6. Auditors ſerving in the ſaid Court of Exchequer, whereof at this day and of long time hath beene remaineing but 5

having ten pounds for every year for his fee, it is now ordered, that there ſhall be ſeven to have yearly twenty pounds for his and their fees, and that every of the ſaid Auditors be perſonally reſident upon his Office.

21. *Item*, That every Teller of the Receit be likewiſe attendant upon his Office, to execute the ſame in his own perſon, and not by Deputy upon the loſſe of his Office, and fee.

22. *Item*, For that the order, eſtabliſhment and uniting of this Court be perfectly eſtabliſhed with exerciſe, proof, and experience of the ſame, the Kings Highneſs is pleaſed, that the Lord Treaſurer, and the ſaid Court of Exchequer, ſhould have full power and authority from time to time to amend, reform, and correct, any clauſe or Article aforeſaid, and to add to, or diminiſh any thing that ſhall be found neceſſary for the amendment of the ſame, and to make ſuch further orders from time to time, as to the Court ſhalbe thought expedient.

23. *Item*, That all Rents and ſervices reſerved be anſwered in the ſaid Court of Exchequer, and paid in the ſaid Receipt, and likewiſe all debts, arrerages of accounts, and other dutyes and ſumms of mony which have been anſwered in the ſaid Exchequer, be payd in the ſayd receipt.

24. *Item*

24. *Item*, To call into the Court of Exchequer, all persons accountable in such manner and form, as they ought to have been called in the said Court of augmentation.

25. *Item*, That all Records of late being in the sayd Court dissolved, and belonging to the same Court shall be recorded of the same court of Exchequer, and of the same force and strength, as they were in the said late Court dissolved.

26. *Item*, A Leagure to be made of all specialties brought into the said Court.

27. *Item*, That all Letters Patents, Grants, Leases, and other Assurances, made by the sayd late Courts dissolved, shalbe of the same force and strength, as they were in the sayd late Courts dissolved.

The Articles of the uniting of the late Court of uniting of first Fruits and Tenths, to the Court of Exchequer at *Westminster*.

1 FIrst, Her Highness doth ordain, that all the Records of the said Court, of the first Fruits and Tenths, shall be hereafter placed

ced in the said Exchequer, and shall be of the same force and strength, as they were in the said Courts of the said first fruits and Tenths.

Item, her highness is pleased and ordaineth that there shall be in the said Exchequer, a certain Office, called the Office of the Remembrancer of the first Fruits and Tenths which Office, for divers and sundry great considerations for and at the first erection only, shalbe exercised by two persons by her highness to be nominated, which shall joyntly exercise the same office during their lives, and after the death of the Survivor of them, the said office to be exercised by one of them.

Item, That all Records belonging to the same court of the first Fruits and Tenths, shall be in the charge and keeping of the said Officer.

Item, That the said Officer shall make and deliver the true values of all spirituall promotions, dignities, and benefits within the Realm of *England* and *Wales*, and other the Queens Dominions to such persons as shall sue for them, taking for the same like fees as were wont to be paid before the dissolution of the first fruits and Tenths.

Item, The same Officer shall take compositions of the first Fruits of every Arch Bishop

rick,

prick, Arch-Deaconry, Deanry, Prebendary, Parſonage, Vicaridge, and of every other dignity, office, benefice, promotion ſpirituall aforeſaid.

6. *Item*, The ſame officer to make all writings obligatory, Indentures, and all other writings concerning the ſame firſt fruits and tenths, and ſhall ſee the ſame ſealed and delivered, by the parties to the Queens highneſs uſe, and alſo ſhall make Acquittances and other diſcharges to ſuch as ſhal pay their mony in hand without making bonds for the ſame, taking fees accuſtomed of the parties for the ſame.

Lord Treaſurer.

7. *Item*, The ſaid Lord Treaſuror to call ſuch perſons as ſhall pleaſe him to his aſſiſtance at the declaration of the foreſaid accounts, or any officer or auditor of the ſame Court, that to them ſhal be thought meet for the paſſing of the ſame accounts.

8. *Item*, The accountant or accountants that ſhall not come to determin his or their accounts in form aforeſaid, his or their goods and lands ſhall be ſeiſed to the Queens uſe, *nomine diſtrictionis*, and ſhall looſe the benefit thereof, and that ſhall have the allowance of the ſame in diſcharge of his debt, according to the ancient cuſtom of the Exchequer.

9. *Item*, all *Sci. fac.* attachments, and writs of diſtreſſes for debts, or accounts concerning the premiſſes, ſhalbe made by the Treaſurers Remembrancer from time to time, as to the diſcretion of the Court in that behalf ſhall be thought meet and convenient, according to the ancient cuſtom and courſe of the Court.

10. *Item*, All Letters Patents of any Manors, land, tenements, or other hereditaments or concerning any annuities, pardons, or other ſuch like, ſhalbe inrolled in ſuch office of the ſaid Exchequer, as by the diſcretion of the Lord Treaſurer and the ſaid Court ſhalbe appointed, the parties to pay fines according to the ordinance and ſtatute in that behalf provided.

11. *Item*, All recognizances of payments of any farm, or any debt, of or for any part of the premiſſes, to be inrolled in the Remembrancers office, and to be taken in the open Court, when the Term is open, & if the Term be not open, then by the cheif Baron, and in his ablence, by any of the Barons, and by force of a *Dedim. Poteſtat.* if neceſſity ſhall require, taking for every ſuch recognizance, taken out of the court, 6*s.* 8*d.* only whatſoever number of perſons be bound in the ſame, and for the entry of the ſame recognizance, the ſaid Remembrancer

membrancer ſhall have, and take for his fee of and for every Recognizance of 4 l. and upwards, 3 s. 4 d. and no other or more Fees to be taken for a Recognizance, whatſoever number of perſons be bound in the ſame.

12 *Item*, that the ſaid Sheriffs or other accomptants ſhall yearly pay all ſuch ſummes of money, as ſhal be due to anie perſon or perſons for any Annuities, Fees, penſions iſſueing or going out of any of the premiſſes, according to their grants allowed and inrolled, unleſſe they ſhall have ſpeciall Commandement by the Court to the contrarie.

13. *Item*, that the Farmors, and Leſſes ſhall be bound to the Queen, and by Recognizance to performe their Covenants in their Leaſes in ſuch forme, as by the Court ſhall be ordered.

14. *Item*, all Warrants for leaſes to paſſe by the Lord Treaſuror, and if the yearly rent of the land to be letten, ſhall be above the ſumme of forty ſhillings by the yeare, then the ſame leaſe to paſſe under the great Seale of *England*, and if the rent be above the value of 7 l. 13 ſ. 4 d. then every ſuch leſſee to pay the Fees of the Signet and privy Seale, as heretofore in like Caſes hath beene accuſtomed; And if the land to be letten, doe paſſe not the yearly

yearly rent of 40 s. then the Leaſe to paſſe the ſeale of the ſame Court of Exchequer paying 6 s. 8 d. to the Queens uſe, 3 s. 4 d. to the Chancellor of the ſaid Court, and 4 d. to one appointed to Attend the ſeale for his Attendance, and wax. And the ſaid Leaſes under the value of 40 s. to be alwayes made by the Clark of the Pipe, and filed together for every yeare by themſelves, and there to be inrolled within the ſaid Office, as the ſaid Clark of the Pipe may report the Indentures for the more ſurety of the parties, taking for the inrollment as ſhall be ordered by the Court.

15. *Item*, the ſaid Lord Treaſuror ſhall not have any Authoritie to make any leaſe in Reverſion of any part or parcell of the premiſſes, or of any woods, or anie Mannors in groſſe for the terme of certaine yeares without the Queens highneſſe ſpeciall Warrant to him to be directed in that behalfe, and then Warrant to be made by the Lord Treaſuror of *England* in forme aforeſaid.

16. *Item*, the Lord Treaſuror taking to him the Advice of the Chancellor, under-treaſuror, and cheife Baron or two of them, ſhall have Authoritie to aſſeſſe Fines for any Leaſes of any part or parcell of the premiſſes to be

be made by the ſaid Lord Treaſuror in forme aforeſaid.

17. *Item*, the ſame Officer to write, and make all manner of proceſſe, Commiſſions, Entries, Books, Judgments, and decrees of the Court, with all other writings and miniments whatſoever, aſwell for the arrerages of ſuch firſt fruits as for all Tenths, and Subſidies of the Clergie due to her highneſſe heires, and Succeſſors by ſuch ſpeciall perſons their Sureties, Farmers, and occupiers, taking therefore ſuch Fees of the parties, as were uſed before the diſſolution of the ſame Court of firſt fruits and Tenthes.

18. *Item*, all Certificats returned upon any Commiſſion iſſueing out of the ſaid Court of Exchequer concerning anie firſt fruits, Tenths, or Subſidies aforeſaid, the valuation of any Ben fice, or promotion ſpirituall omitted in the firſt Taxation or otherwiſe, for any matter accuſtomed to be determined in the ſaid Court of the Exchequer in the charge of the ſaid Office, and there to be ordered.

19. *Item*, all ſuch Certificats as the Archbiſhops and other Collectors of the Tenths, and Subſidies of the Clergie, made againſt the Incumbents refuſing to pay their Tenths and Subſidies being exhibited before the Court

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Court of Exchequer, and by them allowed, ſhall remaine in the Charge of the ſaid office of the Remembrancer of the firſt fruits, and Tenths, in the place to be appointed for the ſame, to the end that proceſſe may be made againſt ſuch Incumbents as be in them contained.

20. *Item*, that the ſame Officer ſhall yearly make a Leger of all Compoſitions of firſt fruits taken, and to be taken, wherein ſhall be contained the name and ſhire of the Benefice ſo compounded for, the ſumm, and name of the Incumbent.

Of Engliſh Bills and the proceedinges thereupon in the Exchequer.

AN Engliſh bil is a petition in Engliſh exhibited by the plaintiff to the Lord Treaſurer Chanceller and Barons of the exchequer in caſe where the plaintiff ſuppoſeth he hath right to recover the poſſeſſion of lands or goods deteined from him or debts due to him or to have remedy for ſome other wrong done to him by the defendant that he hath noe evidence nor ſpecialty to ſhew forth nor can make any ſuch proofe as is required by the ſtrict courſe of the Common Law to recover

or

or have remedy for the ſame, but ſuppoſeth that it lyeth in the defendants owne knowledge and that he will confeſſe the ſame in his anſwere. And in caſe where the plaintiffs ſued at Common Law for the poſſeſſion of any lands or for any goods, chattells, Debts or other things againſt which he can make noe ſufficient defence by ſtrict courſe of the Common Law but in equity and good conſcience ought to be releived and get either wholly diſcharged or the extremity mitigated and moderated and ſuppoſeth that the defendant will confeſſe in his anſwere the truth of the matter by him alledged.

Every plaintiff that ſhall exhibite any ſuch bill ought to be priviledged either in perſon as an Officer or Clerk of the Court or ſervant to ſome of them or an accomptant or Debtor to the king or otherwiſe or elſe in the cauſe as if that concerne the king in the inheritance, poſſeſſion or intreſt of any lands, tithes, offices, goods, chattels or Debts wherein the plaintiff likewiſe pretendeth to have Intereſt in right of the King, or if the plaintiff beſued by Engliſh bill or action or extent or other proces in the ſame Court for the ſame matter.

The Kings Attorney alſo may exhibite Engliſh Bills in the Exchequer for any matter

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concerning the King in inheritance or profits and in like manner any person that findeth himselfe greived in any cause prosecuted against him for and on the behalfe of the King or any patent by grant of the King may exhibite his English bill against the Kings Attorney and such others as are interested in the cause to be relieved in equity. In which case the plaintiff must Attend the Kings Attorney with a Coppy of his bill and procureth him to answere the same and the Kings Attorney may call any that are interested in the Cause or any officer or others to instruct him herein touching the makeing his answer so as the King be not prejudiced thereby and his answere is to be put in without oath.

The parties in every such bill between party and party must serve the defendant with proces of *Subpena* or if the defendant be a Baron of Parliament spirituall or Temporall with a letter under the hands of the Lord Treasurer Chancellor Barons or some of them whereby he must be required to appeare at a day certain contained in the writ or letter proces of *Subpena* may be sued forth either before or after the Bill exhibited And if the Defendant do not appere at the day of returne of the writ then upon *Affidav.* made of the servinge thereof an

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Attachment is made of course against him for his contempts and after an *al. pl.* atachment an attachment with exclamation and after that either a writ of attachment of rebellion directed to the sheriff or a Commission of rebellion directed to such Commissioners as the plaintiff wil name for which Commission there must be warrant of the court but when a letter is made to be sent to any Baron or Bishopps for apparance before the Bill be in and if he will not appear upon that then proces of *Subpena* must be served and upon default then proces of Contempt as aforesaid And the like course of proces is to be persued against the defendant at the suite of the Kings Attorney.

When the defendant doth appear if the Bill be not put in he may move to be dismissed with costs, whereupon the Court doth usually give three or four dayes to the plaintiff to put in his English bill or the Defendant to be dismissed with costs upon a bill of costs to be Tendred by him to one of the Barons to be taxed.

And if the defendant do appear upon proces of contempt he must pay costs such as the Court shall think fit according to the number of the proces that hath been prosecuted against him but the ordinary Costs is ten shillings upon each Attachment.

After

After the defendant hath appeared he hath eight dayes of course to make his answer to the bill and if he do that not with in that time a Rule is given of course in the Book of appearance for an Attachment within fower dayes, the defendants Attorney being called thereunto.

If the defendant do Demur upon the Bill for that neither the plaintiff nor the cause is priviledged for want of sufficient matter of the bill or put in a plea in Bar of the proceeding upon the Bill, The plaintiff if he will maintaine his Bil must move the Court for a day to heare the Counsell of both sides and the Bill and Demurrer (if need be) if the Counsell do not agree in opening the matter.

If the defendant do plead any matter to bar the proceedings upon the bill (other Then matter of Record of the same Court) he must be sworne to his plea as he likewise must be sworne to his answere if he answere in the cheif of what quality soever the defendant be Except it be the Kings Attorney who answereth a bill againſt the King or a Corporation who are sued by the name of theire Corporation.

Also if the defendant doe make an insufficient answere the plaintiff must put in his exceptions

ceptions in writing and move the Court to give the defendant a day to amend or maintaine his anſwere in which caſe if the defendant be in Towne he is to take notice by the Order and to perform the ſame. But if he be gone before he is to be ſerved with a *Subpœna ad faciendum meliorem reſponſionem* if his anſwere be over ruled upon hearing or an attachment made againſt him or an inſufficient anſwere is to anſwere.

The defendant that hath dayes aforeſaid either upon demurer, plea, or inſufficient anſwere if he cannot maintaine the ſame but that the Court doth order him to make a better anſwere, he muſt pay ſuch coſts to the plaintiff as the Court ſhall think fit, if he do maintaine his demurer he is to be diſmiſſed with coſts.

If the defendant put in plea wherein he pleadeth matter of record to diſable the perſon of the plaintiff as outlawry or the like which is no bar to the matter but a delay of proceeding untill the plaintiff be inabled, to ſue he muſt together with his plea produce the record which warranteth the ſame.

If the Defendant after he hath appeared and taken a copy of the Bill, findeth that he can not make anſwer to the ſame without ſight of

his evidence, which are in the country far off, or if there be more then one defendant, and, one or more appear, and the reſt do not appear, and the defendants that do appear cannot anſwer without conference with the reſt that are in the country upon *Affidavit* made upon ſuch or the like allegations, he may have time to anſwer, untill the beginning of the next Term, either in perſon, or by commiſſion, as the court ſhall think fit.

Or if *Affidavit* be made, that the Defendant is aged, impotent or ſick, and not able to travell, he may have a commiſſion to take his anſwer, and ſometimes when the Defendants dwell far off, the court, in favour doth grant a commiſſion without any *Affidavit*, to take their anſwer in the country, in all which caſes where a commiſſion is granted for the defendant, the plaintiff may name one or two commiſſioners, to ſee the defendant ſworn to his anſwer, & a promiſe muſt be in the commiſſion that the Plaintiff or his commiſſioners ſhal have notice of the day and place of execution thereof certain dayes before.

If the Defendant have matter to plead to an Engliſh bill, and be not able to come to put that in upon oath, he may by ſpeciall order of the Court, have a commiſſion to take his plea

and

and the plaintiff may proceed upon plea, as upon anſwer, if he think good, but if the Defendant have the favor to take his anſwer or plea, he may not after put in a demurrer.

If the matter of the bill be releived againſt a ſuit, at or in the Eccleſiaſticall court, and the Defendant ſtand in contempt, either for not appearing or not anſwering, or if he deſire to have a commiſſion to take his anſwer, the court upon the motion of the plaintiff, doth uſuall ſtay the Defendants proceedings untill he have anſwered another order thereupon taken either by injunction or order of the court.

If the Defendant be ſerved with proceſſe to appear to a bill and be in priſon, and will not appear, or if he do appear and be in priſon, and will not anſwer, the court doth uſually order, that he ſhall be kept cloſe priſoner untill he yeild obedience to the Court.

Quære in the cauſe whether the Defendant hath appeared and will not anſwer (as in the Chancery & Star-Chamber) the Court will decree the matter againſt him for confeſſed, that were to be ſeen if here be any order therefore made to the contrary in any argument or debate in the matter, and what rea-

ſon there ſhould be of a contrary courſe in this Court.

After the Defendant hath anſwered (or before if there be good cauſe) the Court doth grant injunctions, either by quieting of poſſeſſionor, ſtay of ſuits at the common Law, and the Eccleſiaſticall courts untill the hearing of the cauſe, alſo there be preſidents for ſtaying of ſuits in the ſtar chamber and Chancery and other courts of equity.

If the Defendant put in a demurrer with an anſwer over to the matter of the bill, the plaintiff may proceed upon that to bring the cauſe to hearing, and the Defendant at the hearing, may ſtand upon the demurrer, untill the Court do over rule that, but after the anſwer put in, the Court will allow no exception to the Juriſdiction.

When the Defendant hath fully anſwered, the plaintiff may if he will go to hearing upon bill, and anſwer, and may move the Court to have a day of hearing appointed, and ſerve the defendant with proceſſe to attend the hearing. In which caſe he muſt admit the Defendants anſwer to be true in all things, as well in that which is denyed, as that which is confeſſed.

If the plaintif do not find matter confeſſed by the Defendant in his anſwer whereupon he may

may proceed to hearing, without proofs, then he muſt reply to the ſame, maintaining his bil and denying and traverſing the materiall points of the anſwer, wherein he may alſo add ſuch further matter as ſhal be pertinent & neceſſary for him to prefer for the ſtrengthning of his bill, and avoiding the Defendants anſwer, and muſt ſerve the Defendant with proceſs of *Subpœna* to rejoyn to the ſaid replication, except the Defendant be ordered to rejoyn gratis, as ſometimes that is ordered when the Defendant hath the favour to have a commiſſion to take his anſwer,

When the cauſe cometh to hearing upon bill and anſwer, and the court ſeeth no ſufficient matter confeſſed in the anſwer to proceed upon, the Plaintiff may deſire, that he may reply and proceed to proceſſe, and the court allow him to do ſo, eſpecially where the Kings Attorney is plaintiff for the King.

If there be more defendants then one, and they put in ſeverall anſwers, the plaintiff may reply to them all in one replication, but if the cauſe of ſuit be joynt, and ſome of them anſwer, and others do delay their anſwers, the plaintiff may not reply till all have anſwered, for if he do, he ſhall wave his proceedings againſt the reſt, and he cannot have a decree

against ſome without the others. Nevertheleſs if the cauſes of ſuit be ſeverall the plaintif may reply and proceed to hearing with ſome, and after return to proceed with the reſt.

When the defendant cometh to rejoyn, if here be no new matter in the replication, he is to make his rejoynder of courſe to maintain his anſwer, and it is not neceſſary that he ſhould rejoin but for formality, but if here be new matter in the replication, he muſt rejoin ſpecially to that, and likewiſe if there ariſe new matter in the defendants rejoynder, the Plaintiff muſt ſurjoyn, and ſo as long as new matter doth pertinently ariſe in the pleading, they muſt proceed with Rebutter, and ſur-rebutter, untill every point materiall be put in perfect iſſue.

After they are at iſſue, the plaintiff if he will may proceed to hearing, upon Records, and without examination of witneſſes, and the Defendant nevertheleſs, may examine witneſſes if he will in convenient time, or if there have been any former examinations in the ſame cauſe, either between the ſame parties, or any other under whom they claim, either in the ſame Court or any other, the plaintif or the defendant may move the Court and deſire to have them allowed, to be uſed

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for evidence at the hearing, in which case, the Court doth give a day to the other side, and upon hearing of both sides, do allow or disallow them, as is then thought fit and accordingly they may prepare themselves for proofs more or lesse.

When the defendant is served with process to rejoyn, and doth not appear, the plaintiff upon *Affidavit* made in the Term time of serving the process (if there be no new matter in the replication) may have a commission alone if the defendant will not joyn within a certain time, and then the plaintiff may have a commission to such as he shall nominate to examine his witnesse.

If both parties joyn in commission, then either side is to name indifferent commissioners and each party to choose two of the four named by the other, and the commission is to be directed to those four agreed upon, and the plaintiff is to have the carriage of the commission, and is to give fourteene dayes warning (or such other warning as is agreed upon) of the day and place of execution thereof, except there be day and place appointed in the commission, which sometimes is done by agreement of the parties or by order of the Court.

If the one side wil examin witnesses by commission, and the other will not, yet he that will not examine may joyn in commission to see an indifferent examination if he will, and to that end shall have warning of a day and place.

If the Defendant make default, and do not joyn in commission at the first, yet if he come afterwards, and can shew any reasonable cause, why he did not joyn before, the Court will allow him to examin his witnesses in reasonable time, or if a commission be taken out by one or both sides, and not executed, but in part executed, where there is no wilfull default in the parties, but by some other accident the execution is prevented, the Court upon motion and proof of the allegations will grant a new commission, but if either party will wilfully neglect to examin for delay, and to gain time, or to hearken and learn what hath been examined and proved on the other side, that he may the better prepare his witnesses, and interrogatories for a crosse examination, in such cases the Court will give no favour to the party that shall so willingly or purposely be negligent.

In such case where the one side hath examined all his witnesses, and the other hath not, but

but hath the favour to have a new Commiſſion, that party that examined, may joyn in a new commiſſion without charges, to ſee the Examination.

As the parties may examin their witneſſes before Commiſſioners, ſo they may likewiſe examin before the Barons in Court, ſuch witneſſes as they have in town at any time before publication, and they may have proceſs of *Subpœna* to bring their witneſſes before the Barons to be examined, and the like proceſs or the Commiſſioners Warrant to bring their witneſſes before the Commiſſioners the names of ſuch witneſſes as are examined in Court, muſt be delivered by either ſide, to the parties or their Attornyes in Court before their examination, to the end that either ſide may examin him if they will.

The partys that will examin witneſſes, muſt prepare their interrogatories ingroſſed in parchment to be exhibited before the Commiſſioners, the Baron before whom they will examin before any examination can be had, which interrogatories muſt be drawn according to points in iſſue, by the bill and anſwer, and other pleadings, and they muſt not examin upon any thing that is not in the pleadings, if they do, that is to be ſurpreſſed, and there muſt

muſt be no alteration of any interrogatories, nor addition of any, after the firſt examination, but if there be further examination that muſt be upon the ſame Interrogatories that were firſt exhibited, and if any examination be taken otherwiſe, it muſt be ſuppreſſed whether it be by commiſſion or in Court, except it be ſo appointed by ſome ſpeciall order of the Court.

If a witneſs be examined of one ſide, and after be ſerved with proceſs to be examined on the other ſide, and do refuſe to be examined, the Court will not allow his depoſitions to be uſed, becauſe he hath ſhewed himſelf to be partiall.

After the witneſſes be examined, there muſt be order for publication of their depoſitions, either by conſent of both ſides, or by motion of the one ſide, and a day given to the other ſide to ſhew cauſe why they ſhould not be publiſhed, and the cauſe heard, at which day if nothing be ſayd to the contrary, they are publiſhed, and the cauſe is to be ſet down afterwards for the hearing, at ſuch time as the Lord Treaſurer and the Barons ſhall appoint.

After the day of hearing is ſet down, the Plaintiff muſt ſerve the Defendant with proceſs

ceſs of *Subpœna*, *Ad audiendum judicium*, returnable at a day and place appointed for the hearing, and in the mean time either party is to prepare his breviates, of his pleading and proofs to inſtruct his counſell.

At which day the bill of cauſes is to be made ready and delivered to the Lord Treaſurer, Chancellor, and Barons in Court, wherein the cauſes are to be ſet down in order as they were appointed, and ſo the Court doth call for them, as they lye in the bill, and if both ſides be ready to proceed to hearing, the Plaintiffs counſell opening the materiall parts of the bill, and the Defendants counſell opening his anſwer, and after debating thereof on both ſides, for the full opening to the matter in queſtion the plaintiff is to make his proofs, which are to be read by his Attorney in court, and the defendant is to do the like, whereupon the Court doth judge, *Secundum allegata & probata*, as if there be good matter alledged, and ſet forth in the bill and replication, and ſufficiently proved there by confeſſion of the defendant in his anſwer, or by witneſſes, Records, or other evidence which cannot be diſapproved by the Defendant, the Court doth make a decree for the plaintiff, but if there be good matter ſet forth,

and

and not proved, or good matter proved, but not ſet forth in the pleadings, the Defendant and the cauſe is diſmiſſed.

Sometimes the cauſe is diſmiſſed upon opening, for want of ſufficient matter, or for that it is meerly tryable at the Common Law, and ſometimes when there is both matter of Law and Equity, the matter of Law is referred to a tryall at the Exchequer bar, and the equity of the cauſe is retained untill the hearing, and ſometimes when the queſtion is touching accounts and reckonings which are intricate, the cauſe is referred to auditors or Merchants by Commiſſion to examin and try the ſame, and to mediate and end and determin if they can, or elſe to certfie the Court of their doing, whereupon the Court may further proceed) or if the queſtion be concerning the poſſeſſion of any lands demanded by the plaintiff which ly intermingled and diſperſed with and amongſt the Defendants lands, and by reaſon of a long and joynt occupation cannot well be known or diſtinguiſhed, the one from the other, in ſuch caſe when that it appeareth to the Court that the plaintiff hath and ought to have Land ſo intermingled, the Court doth award a commiſſion to the Gentry of that County where the Land lyeth, to enquire

quire the certainty thereof, and to ſet out, & the metes and bounds of the ſame, and to certifie the Court thereof, and in ſuch like caſes References and Commiſſions are awarded.

If at the day of hearing the plaintiff be ready, and the Defendant maketh default *affidavit* is to be made of the ſerving, the Defendant with proceſs, *ad audiendum judicium*, and the Court will proceed to hearing, and after the plaintiffs bill be opened, the Defendants anſwer is to be read, and the plaintiffs proofs, whereupon the Court will decree or diſmiſſe the cauſe, or otherwiſe order that as ſhall ſeem fit, but in ſuch caſe the Court doth not uſe to make a decree abſolute, but to give a day to the Defendant to ſhew what he can againſt that, at which day if he do come and endeavour to ſhew cauſe to ſtay the Decree, and thereupon the Court doth proceed, and further hearing the plaintiff may require coſts for his double attendance, by reaſon of the Defendants default.

If the Defendant be ready at the day of hearing, and the plaintiff make default, the Court doth diſmiſſe the Defendant with coſts, except ſome good cauſe be ſhewed to ſtay that, and if that be put over till another day, the plaintiff is to pay coſts to the Defendant, ſuch as the Court ſhall think fit. When

When the Defendant is once ſerved with proceſs, *Ad audiendum judicium*, although the cauſe cannot be heard at that time, or in that Term, he muſt attend without any more proceſs, untill the cauſe be heard, ſo long as the cauſe be continued in the bill of cauſes; but if the plaintiff be negligent, and will not endure to procure a hearing, but deſire to continue that in the bill, to keep an injunction on foot, or to ſtay the Defendants courſe at the common Law, or in any other Court, the Defendant may move for a diſmiſſion of the cauſe, and the injunction may be diſſolved, and that he may have coſts.

Alſo if the plaintiff after anſwer put into his bill will delay the proſecution thereof, the Defendant may move to be diſmiſſed with coſts, whereupon the Court will find a day to ſhew cauſe.

When a cauſe is ready for hearing, if the plaintiff delay the proſecution, or be negligent to procure a hearing, the Defendant may if he will, procure the cauſe to be ſet for hearing, and ſerve the plaintiff with proceſs, *ad audiendum judicium*, At which day, if the plaintiff will appear, he may proceed to hearing, but if he will not, the Defendant may be diſmiſſed with coſts, and left at Liber-

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ty, if there were any injunction or order to reſtrain him.

If a Defendant dye after anſwer put in, and before the cauſe be determined, the plaintiff may put in a bill of Revivor againſt the heir, or Executor, or Adminiſtrator of the Defendant, as the caſe ſhall require, and the Defendant in ſuch bill of Revivor, ſhall anſwer without oath, becauſe his anſwer is to no other end but to ſubmit himſelf to the former proceedings and upon his anſwer the former proceedings are revived, and ſhall ſtand in the ſame caſe as they did againſt the firſt Defendant that dyed, and the plaintiff and Defendant may proceed further to bring the cauſe to hearing, in that ſame manner as that ſhould have been proceeded in, if the firſt Defendant had lived, and in like, when the plaintiff dyeth pendent like.

After a decree is made and paſt againſt the Defendant, if he hath other matter which was not in iſſue in the cauſe decreed, which he ſuppoſeth will be ſufficient to overthrow the decree, he may exhibit a bill of Review upon that new matter, to reverſe the decree, but he muſt perform the decree, and yeild obedience to that, and if the bill of Review do not contain good and ſufficient matter, the Defendant

fendant may plead the former matter, decreed in bar, of the proceedings upon the new bill, and that is not ſufficient for the plaintif in the bill of Review to produce new proofs though never ſo good, that were not produced before, but the matter muſt not be ſuch matter as was not in the iſſue before, and he may likewiſe exhibit his bill of Review of error in the former proceedings.

Sometimes the principall queſtion between the partyes is ſuch, as admitting the truth of both ſides, yet it is doubtfull in Law to whom the Right belongeth, ſo as the Court cannot make a decree untill the matter in Law be determined, whereupon a caſe in Law is to be drawn and agreed upon of both ſides, and if there be any matter of fact neceſſary to be proved for the making of the caſe, witneſſes may be examined upon Interrogatories for that purpoſe, and when the caſe is agreed upon, ſeverall Copies muſt be delivered to the Lord Treaſurer, Chancellor, and Barons, and is to be argued on both ſides, when, and as often as the Court ſhall think fit, and ſo be determined by decree or otherwiſe.

Sometimes when publication is over haſtily gotten by the plaintiff before the Defendant hath fully examined his witneſſes, the Court upon

upon *affidavit* by the Defendant, that neither he nor any for him hath ſeen the depoſitions of the witneſſes, doth admit him to examine ſuch witneſſes, as he hath to examine.

Upon hearing of a cauſe, the Court doth allow Bills and anſwers, and other pleadings and orders and decrees of the Chancery, and other Courts, to be read for evidence, without any order of allowance, but no depoſitions of witneſſes taken in any other Court, nor in another cauſe in the ſame Court, without ſpeciall order.

And ſomtimes (but very rarely) after publication of both ſides, the Court doth allow them to examine witneſſes (*ad informandum conſcientiam*) in which caſe the depoſitions that be taken, are not to be publiſhed but onely ſeen by the Court.

After a Decree is entred, that may be enrolled and exemplified at the inſtance of either party, or of any elſe that deſire that

If the poſſeſſion of any Land be decreed againſt the Defendant, the plaintiff may have an Injunction directed to him, and all that claim under him, commanding him and them to remove from the poſſeſſion, and to yeild the ſame to the plaintiff and his Aſſignes, and if the Defendants diſobey that, the Court upon *affidavit* made thereof doth uſually grant

an injunction directed to the Sheriff to remove him, and to put the plaintiff in poſſeſſion.

If a decree be in any thing diſobeyed, either by the plaintiff or Defendant, or any other by their procurement, upon *affidavit* thereof made, an attachment is granted againſt ſuch as have diſobeyed, another proceſs of contempt untill he be brought into Court to anſwer his contempt, and when he doth appear, if he deny the contempt alledged againſt him in the *affid.* he muſt be examined upon Interrogatories, to be exhibited by the proſecutor of the contempt, before one of the Barons, which muſt be upon the points mentioned in the *affidavit*, and he muſt be enjoyned by the Court, to attend and appear from day to day untill he be examined, and not to depart without licenſe of the Court, or if the Court think fit he is to be bound by Recognizance to the ſame purpoſe. After he is examined, if he have confeſſed ſufficient matter of contempt, the proſecutor muſt moye the court to appoint a day to hear his examinations, at which day, both ſides are to attend, and ſuch of the examinations to be read as are materiall, whereupon if that appear to the Court, that he hath ommitted any contempt worthy to be puniſhed,

ſhed, the Court doth commit him to the Fleet, and may impoſe a fine upon him, or not, as the caſe requireth, where he is to remain during the pleaſure of the Court, and untill he yeild obedience, and ſubmit himſelfe to the Court to perform the decree, or enter into Recognizance to perform the ſame, if the Court ſo think fit, and he is to pay ſuch coſts to the proſecutor, as the Court ſhall taxe.

If the Defendant upon his examination deny the contempt ſuppoſed againſt him, he may move the Court to be diſcharged with coſts, whereupon the proſecutor may deſire to examine witneſſes to prove the contempt, either in court, or by commiſſion. In which caſe if the proſecutor take a commiſſion, the defendant may deſire to joyn in commiſſion, to ſee a due examination of witneſſes, but not to examin any witneſſes except the Court doth ſpecially order it ſo, after which examination the Court doth appoint a day of hearing, at the motion of the proſecutor, or of the Defendant, to convict or diſcharge the defendant as the caſe ſhall then appeare

And the like courſe is held for puniſhing or diſcharging of contempts, ſuppoſed againſt the proceſs of the court, if the caſe ſo require.

A Bill may be amended by order of the

Court, after the Defendant hath answered that upon payment of costs.

In all cases that are ordinary, the Court doth use to have the counsell of both sides, & thereupon to make such order as the case requireth.

In every long vacation all the bills, answers, Replications, Rejoynders, and other pleadings are to be taken from the common files, and all the pleadings in one cause are to be filed together with the Bill, by him that is towards the Bill, and to be entred in a booke kept for that purpose, in the title of that County, where the matter of suit ariseth, and to be numbred, and then filed, according to the number on the file for the same County.

In cases of extraordinary contempts, the Court doth sometimes send a Messenger or a Serjeant at Armes to apprehend and bring in the Offender.

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